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STATE OF NORTH CAROLINA

SESSION LAWS AND RESOLUTIONS

**PASSED BY THE
1981 GENERAL ASSEMBLY**

**AT ITS
FIRST EXTRA SESSION 1982**

**BEGINNING ON
TUESDAY, THE NINTH OF FEBRUARY, A.D. 1982**

**AT ITS
SECOND EXTRA SESSION 1982**

**BEGINNING ON
MONDAY, THE TWENTY-SIXTH DAY OF APRIL, A.D. 1982**

**AND AT ITS
REGULAR SESSION 1982**

**BEGINNING ON
WEDNESDAY, THE SECOND DAY OF JUNE, A.D. 1982**

HELD IN THE CITY OF RALEIGH

**ISSUED BY
SECRETARY OF STATE THAD EURE**

PUBLISHED BY AUTHORITY

STATE OF NORTH CAROLINA
SESSION LAWS AND RESOLUTIONS

PRINTED BY THE
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AT THE
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HARRISBURG, PA.
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AND AT THE
REGULAR SESSION 1922
HARRISBURG, PA.
WOMAN, THE SECOND DAY OF JUNE, 1922
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STATE OF NORTH CAROLINA

PRESIDING OFFICERS OF THE 1981 GENERAL ASSEMBLY

JAMES C. GREEN	President of the Senate.....	Bladen
LISTON BRYAN RAMSEY	Speaker of the House of Representatives.....	Madison

EXECUTIVE BRANCH

(Offices established by the Constitution, filled by election, and comprising the Council of State)

JAMES B. HUNT, JR.	Governor	Wilson
JAMES C. GREEN	Lt. Governor.....	Bladen
THAD EURE.....	Secretary of State	Hertford
EDWARD RENFROW	Auditor.....	Johnston
HARLAN E. BOYLES.....	Treasurer.....	Wake
A. CRAIG PHILLIPS	Superintendent of Public Instruction	Guilford
RUFUS L. EDMISTEN	Attorney General	Watauga
JAMES A. GRAHAM.....	Commissioner of Agriculture	Rowan
JOHN C. BROOKS.....	Commissioner of Labor.....	Wake
JOHN R. INGRAM	Commissioner of Insurance.....	Randolph

The political affiliation of each legislator and member of the Council of State listed on this and the following pages is Democratic unless designated Republican by the abbreviation (R).

G.S. 147-16.1 authorizes publication of Executive Orders of the Governor in the Session Laws of North Carolina. Executive Orders from Governor Hunt are carried in the Appendix to this volume.

1981 GENERAL ASSEMBLY

SENATE OFFICERS

<i>Name</i>	<i>Position</i>	<i>Address</i>
JAMES C. GREEN	President	Clarkton
W. CRAIG LAWING	President Pro Tempore	Charlotte
SYLVIA M. FINK	Principal Clerk	Raleigh
LEROY CLARK, JR.	Reading Clerk	Wendell
GERDA PLEASANTS	Sergeant-at-Arms	Raleigh

SENATORS

<i>District</i>	<i>Name</i>	<i>County</i>	<i>Address</i>
1	MELVIN R. DANIELS, JR.	Pasquotank	Elizabeth City
1	JOSEPH J. HARRINGTON.	Bertie	Lewiston
2	JOSEPH E. THOMAS.	Craven	Vanceboro
3	W. D. MILLS	Onslow	Mayesville
4	JULIUS A. WRIGHT (R)	New Hanover	Wilmington
5	HAROLD W. HARDISON	Lenoir	Deep Run
6	JULIAN R. ALLSBROOK	Halifax	Roanoke Rapids
6	VERNON E. WHITE	Pitt	Winterville
7	DALLAS L. ALFORD, JR.	Nash	Rocky Mount
7	JAMES D. SPEED	Franklin	Louisburg
8	HENSON P. BARNES	Wayne	Goldsboro
9	ROBERT DAVIS WARREN	Johnston	Benson
10	ANTHONY E. RAND	Cumberland	Fayetteville
10	JOE B. RAYNOR	Cumberland	Fayetteville
11	R. C. SOLES, JR.	Columbus	Tabor City
12	SAM R. NOBLE	Robeson	Lumberton
13	WILLIAM GERRY HANCOCK, JR.	Durham	Durham
13	KENNETH C. ROYALL, JR.	Durham	Durham
14	WILLIAM A. CREECH	Wake	Raleigh
14	JOSEPH E. JOHNSON	Wake	Raleigh
14	ROBERT W. WYNNE	Wake	Raleigh
15	CONRAD R. DUNCAN, JR.	Rockingham	Stoneville
15	GEORGE W. MARION, JR.	Surry	Dobson
16	CHARLES E. VICKERY	Orange	Chapel Hill
16	RUSSELL G. WALKER	Randolph	Asheboro
17	JAMES B. GARRISON	Stanly	Albemarle
17	ROBERT B. JORDAN, III	Montgomery	Mt. Gilead
18	CARY D. ALLRED (R)	Alamance	Burlington
19	WALTER C. COCKERHAM (R)	Guilford	Greensboro
19	HENRY E. FRYE	Guilford	Greensboro
19	RACHEL G. GRAY	Guilford	High Point
20	JOHN J. CAVANAGH, JR. (R)	Forsyth	Winston-Salem
20	MARVIN WARD	Forsyth	Winston-Salem
21	GILBERT LEE BOGER (R)	Davie	Mocksville
21	PAUL S. SMITH (R)	Rowan	Salisbury
22	CECIL R. JENKINS, JR.	Cabarrus	Kannapolis
22	W. CRAIG LAWING	Mecklenburg	Charlotte
22	CAROLYN MATHIS	Mecklenburg	Charlotte
22	JAMES DOYLE McDUFFIE	Mecklenburg	Charlotte
23	T. CASS BALLENGER (R)	Catawba	Hickory
23	WILLIAM W. REDMAN, JR. (R)	Iredell	Statesville
24	HAROLD A. BAKER (R)	Wilkes	Millers Creek
24	DONALD R. KINCAID (R)	Caldwell	Lenoir
25	OLLIE HARRIS	Cleveland	Kings Mountain
25	HELEN RHYNE MARVIN	Gaston	Gastonia
25	MARSHALL A. RAUCH	Gaston	Gastonia
26	JAMES MCCLURE CLARKE	Buncombe	Fairview
26	ROBERT STRINGFIELD SWAIN	Buncombe	Asheville
27	JOE H. PALMER	Haywood	Clyde
27	R. P. THOMAS	Henderson	Hendersonville

HOUSE OFFICERS

<i>Name</i>	<i>Position</i>	<i>Address</i>
LISTON BRYAN RAMSEY.....	Speaker	Marshall
ALLEN C. BARBEE.....	Speaker Pro Tempore.....	Spring Hope
GRACE A. COLLINS.....	Principal Clerk.....	Fuquay-Varina
SAM J. BURROW, JR.....	Reading Clerk.....	Cary
LARRY P. EAGLES.....	Sergeant-at-Arms	Tarboro

REPRESENTATIVES

<i>District</i>	<i>Name</i>	<i>County</i>	<i>Address</i>
1	CHARLES D. EVANS.....	Dare.....	Nags Head
1	VERNON G. JAMES.....	Pasquotank.....	Elizabeth City
2	HOWARD B. CHAPIN.....	Beaufort.....	Washington
3	GERALD LEE ANDERSON.....	Craven.....	New Bern
3	CHRIS S. BARKER, JR.....	Craven.....	New Bern
3	DANIEL T. LILLEY.....	Lenoir.....	Kinston
4	BRUCE ETHRIDGE.....	Onslow.....	Swansboro
4	G. MALCOLM FULCHER, JR.....	Carteret.....	Atlantic Beach
4	A. D. GUY.....	Onslow.....	Jacksonville
5	C. MELVIN CREECY.....	Northampton.....	Rich Square
5	JOHN BOND GILLAM, III.....	Bertie.....	Windsor
6	WILLIAM DAVIS HARRISON.....	Martin.....	Williamston
6	GEORGE AUSTIN HUX.....	Halifax.....	Halifax
7	ALLEN C. BARBEE.....	Nash.....	Spring Hope
7	ROGER W. BONE.....	Nash.....	Rocky Mount
7	JEANNE FENNER.....	Wilson.....	Wilson
7	JOSEPHUS LYMAN MAVRETIC.....	Edgecombe.....	Tarboro
8	SAM D. BUNDY.....	Pitt.....	Farmville
8	ED N. WARREN.....	Pitt.....	Greenville
9	RICHARD R. GRADY.....	Wayne.....	Seven Springs
9	MARTIN LANCASTER.....	Wayne.....	Goldsboro
10	DOUGLAS A. CLARK.....	Duplin.....	Kenansville
11	TOM B. RABON, JR.....	Brunswick.....	Winnabow
12	HARRY E. PAYNE, JR.....	New Hanover.....	Wilmington
12	S. THOMAS RHODES (R).....	New Hanover.....	Wilmington
13	JOHN T. CHURCH.....	Vance.....	Henderson
13	THOMAS W. ELLIS, JR.....	Vance.....	Henderson
13	WILLIAM T. WATKINS.....	Granville.....	Oxford
14	GEORGE WYATT BRANNAN.....	Johnston.....	Smithfield
14	JOHN M. RADFORD.....	Johnston.....	Selma
15	ALLEN ADAMS.....	Wake.....	Raleigh
15	DANIEL T. BLUE, JR.....	Wake.....	Raleigh
15	RUTH E. COOK.....	Wake.....	Raleigh
15	AARON E. FUSSELL.....	Wake.....	Raleigh
15	MARVIN D. MUSSELWHITE, JR.....	Wake.....	Raleigh
15	WILMA WOODARD.....	Wake.....	Garner
16	GEORGE W. MILLER, JR.....	Durham.....	Durham
16	PAUL PULLEY.....	Durham.....	Durham
16	KENNETH B. SPAULDING.....	Durham.....	Durham
17	ANNE C. BARNES.....	Orange.....	Chapel Hill
17	JOE HACKNEY.....	Orange.....	Chapel Hill
18	BOBBY R. ETHERIDGE.....	Harnett.....	Lillington
18	DENNIS A. WICKER.....	Lee.....	Sanford
19	EDD NYE.....	Bladen.....	Elizabethtown
19	GEORGE RONALD TAYLOR.....	Bladen.....	Elizabethtown
19	RICHARD WRIGHT.....	Columbus.....	Tabor City
20	R. D. BEARD.....	Cumberland.....	Fayetteville
20	WILLIAM E. CLARK.....	Cumberland.....	Fayetteville
20	CHARLES HOLT.....	Cumberland.....	Fayetteville
20	LURA S. TALLY.....	Cumberland.....	Fayetteville
20	HENRY M. TYSON.....	Cumberland.....	Fayetteville
21	WILLIAM C. GAY.....	Robeson.....	Lumberton
21	HORACE LOCKLEAR.....	Robeson.....	Lumberton
21	DAVID R. PARNELL.....	Robeson.....	Parkton
22	BERTHA MERRILL HOLT.....	Alamance.....	Burlington

22	JOHN M. JORDAN.....	Alamance.....	Saxapahaw
22	ROBERT L. MCALISTER.....	Rockingham.....	Ruffin
22	TIMOTHY H. McDOWELL.....	Alamance.....	Mebane
23	DOROTHY R. BURNLEY (R).....	Guilford.....	High Point
23	J. HOWARD COBLE (R).....	Guilford.....	Greensboro
23	RALPH P. EDWARDS.....	Guilford.....	Greensboro
23	BYRON HAWORTH.....	Guilford.....	High Point
23	MARGARET P. KEESEE (R).....	Guilford.....	Greensboro
23	JAMES F. MORGAN.....	Guilford.....	High Point
23	MARY P. SEYMOUR.....	Guilford.....	Greensboro
24	HAROLD J. BRUBAKER (R).....	Randolph.....	Asheboro
24	FRANK REDDING (R).....	Randolph.....	Asheboro
25	JAMES MILLARD CRAVEN (R).....	Moore.....	Pinebluff
26	FOYLE HIGHTOWER, JR.....	Anson.....	Wadesboro
27	THOMAS B. HUNTER.....	Richmond.....	Rockingham
28	MARGARET B. HAYDEN.....	Alleghany.....	Sparta
28	DAVID H. DIAMONT.....	Surry.....	Pilot Mountain
28	WILLIAM S. HIATT (R).....	Surry.....	Mt. Airy
29	RICHARD BARNES.....	Forsyth.....	Winston-Salem
29	TED KAPLAN.....	Forsyth.....	Winston-Salem
29	FRANK E. RHODES (R).....	Forsyth.....	Winston-Salem
29	NED R. SMITH.....	Forsyth.....	Winston-Salem
29	MARGARET TENNILLE.....	Forsyth.....	Winston-Salem
30	BETSY COCHRANE (R).....	Davie.....	Advance
30	JOE H. HEGE, JR. (R).....	Davidson.....	Lexington
30	MELVIN LINDSEY STAMEY (R).....	Davidson.....	Thomasville
31	BRADFORD VERDIZE LIGON (R).....	Rowan.....	Salisbury
31	ROBIE L. NASH.....	Rowan.....	Salisbury
32	PIERSON ELLIS ALMOND (R).....	Stanly.....	Albemarle
33	AARON W. PLYLER.....	Union.....	Monroe
33	DWIGHT W. QUINN.....	Cabarrus.....	Kannapolis
33	BETTY DORTON THOMAS.....	Cabarrus.....	Concord
34	JOHN WALTER BROWN (R).....	Wilkes.....	Elkin
34	GEORGE M. HOLMES (R).....	Yadkin.....	Hamptonville
34	GEORGE S. ROBINSON (R).....	Caldwell.....	Lenoir
35	C. ROBERT BRAWLEY (R).....	Iredell.....	Mooresville
35	J. P. HUSKINS.....	Iredell.....	Statesville
36	JAMES B. BLACK.....	Mecklenburg.....	Charlotte
36	LOUISE S. BRENNAN.....	Mecklenburg.....	Charlotte
36	RUTH M. EASTERLING.....	Mecklenburg.....	Charlotte
36	GUS N. ECONOMOS.....	Mecklenburg.....	Charlotte
36	JO GRAHAM FOSTER.....	Mecklenburg.....	Charlotte
36	H. PARKS HELMS.....	Mecklenburg.....	Charlotte
36	LEROY P. SPOON, JR. (R).....	Mecklenburg.....	Charlotte
36	BEN TISON.....	Mecklenburg.....	Charlotte
37	AUSTIN M. ALLRAN (R).....	Catawba.....	Hickory
37	J. REID POOVEY (R).....	Catawba.....	Hickory
38	SAM L. BEAM.....	Gaston.....	Cherryville
38	E. GRAHAM BELL.....	Gaston.....	Gastonia
38	DAVID W. BUMGARDNER, JR.....	Gaston.....	Belmont
38	D. R. MAUNEY, JR.....	Gaston.....	Cherryville
39	JAMES F. HUGHES (R).....	Avery.....	Linville
39	S. B. LACEY, JR. (R).....	Avery.....	Newland
40	JOHN J. HUNT.....	Cleveland.....	Lattimore
40	NANCY H. JONES.....	Rutherford.....	Forest City
40	EDITH L. LUTZ.....	Cleveland.....	Lawndale
41	ROBERT CARL HUNTER.....	McDowell.....	Marion
42	CHARLES H. HUGHES (R).....	Henderson.....	Hendersonville
43	MARIE W. COLTON.....	Buncombe.....	Asheville
43	NARVEL JIM CRAWFORD.....	Buncombe.....	Asheville
43	GORDON H. GREENWOOD.....	Buncombe.....	Black Mountain
43	MARTIN L. NESBITT, JR.....	Buncombe.....	Asheville
44	CHARLES M. BEALL.....	Haywood.....	Clyde
44	LISTON B. RAMSEY.....	Madison.....	Marshall
45	JEFF H. ENLOE, JR.....	Macon.....	Franklin

LEGISLATIVE SERVICES COMMISSION

SENATE PRESIDENT PRO TEMPORE W. CRAIG LAWING, *Co-Chairman*

HOUSE SPEAKER LISTON BRYAN RAMSEY, *Co-Chairman*

SEN. CONRAD R. DUNCAN, JR.

REP. ALLEN C. BARBEE

SEN. HAROLD W. HARDISON

REP. RICHARD W. BARNES

SEN. JOSEPH J. HARRINGTON

REP. CHARLES D. EVANS

SEN. MARSHALL A. RAUCH

REP. FOYLE HIGHTOWER, JR.

SEN. JOE B. RAYNOR

REP. MARY P. SEYMOUR

SEN. KENNETH C. ROYALL, JR.

REP. WILLIAM T. WATKINS

LEGISLATIVE SERVICES STAFF DIRECTORS

JOHN L. ALLEN, JR. Legislative Services Officer

TERRENCE D. SULLIVAN Director of Research

THOMAS L. COVINGTON Director of Fiscal Research

GERRY F. COHEN Director of Legislative Drafting

GEORGE R. HALL, JR. Administrative Officer

CONSTITUTION
OF THE
State of North Carolina

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

ARTICLE I

DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare that:

SECTION 1. *The equality and rights of persons.* We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. *Sovereignty of the people.* All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. *Internal government of the State.* The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.

SEC. 4. *Secession prohibited.* This State shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.

SEC. 5. *Allegiance to the United States.* Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the State in contravention or subversion thereof can have any binding force.

SEC. 6. *Separation of powers.* The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

SEC. 7. *Suspending laws.* All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised.

SEC. 8. *Representation and taxation.* The people of this State shall not be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in the General Assembly, freely given.

SEC. 9. *Frequent elections.* For redress of grievances and for amending and strengthening the laws, elections shall be often held.

SEC. 10. *Free elections.* All elections shall be free.

SEC. 11. *Property qualifications.* As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office.

SEC. 12. *Right of assembly and petition.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

SEC. 13. *Religious liberty.* All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience.

SEC. 14. *Freedom of speech and press.* Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

SEC. 15. *Education.* The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

SEC. 16. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

SEC. 17. *Slavery and involuntary servitude.* Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.

SEC. 18. *Courts shall be open.* All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

SEC. 19. *Law of the land; equal protection of the laws.* No person shall be taken, imprisoned, or dispossessed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty or property, but by the law the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

SEC. 20. *General warrants.* General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted.

SEC. 21. *Inquiry into restraints on liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

SEC. 22. *Modes of prosecution.* Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in noncapital cases.

SEC. 23. *Rights of accused.* In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

SEC. 24. *Right of jury trial in criminal cases.* No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

SEC. 25. *Right of jury trial in civil cases.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

SEC. 26. *Jury service.* No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

SEC. 27. *Bail, fines, and punishments.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 28. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

SEC. 29. *Treason against the State.* Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

SEC. 30. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.

SEC. 31. *Quartering of soldiers.* No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 32. *Exclusive emoluments.* No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

SEC. 33. *Hereditary emoluments and honors.* No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

SEC. 34. *Perpetuities and monopolies.* Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed.

SEC. 35. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SEC. 36. *Other rights of the people.* The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

ARTICLE II

LEGISLATIVE

SECTION 1. *Legislative power.* The legislative power of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives.

SEC. 2. *Number of Senators.* The Senate shall be composed of 50 Senators, biennially chosen by ballot.

SEC. 3. *Senate districts; apportionment of Senators.* The Senators shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements:

(1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the district that he represents by the number of Senators apportioned to that district;

(2) Each senate district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a senate district;

(4) When established, the senate districts and the apportionment Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress.

SEC. 4. *Number of Representatives.* The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

SEC. 5. *Representative districts; apportionment of Representatives.* The Representatives shall be elected from districts. The General Assembly, at the first regular session

convening after the return of every decennial census of population taken by order of Congress, shall revise the representative districts and the apportionment of Representatives among those districts, subject to the following requirements:

(1) Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Representative represents being determined for this purpose by dividing the population of the district that he represents by the number of Representatives apportioned to that district;

(2) Each representative district shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a representative district.

(4) When established, the representative districts and the apportionment of Representatives shall remain unaltered until the return of another decennial census of population taken by order of Congress.

SEC. 6. *Qualifications for Senator.* Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a qualified voter of the State, and shall have resided in the State as a citizen for two years and in the district for which he is chosen for one year immediately preceding his election.

SEC. 7. *Qualifications for Representative.* Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election.

SEC. 8. *Elections.* The election for members of the General Assembly shall be held for the respective districts in 1972 and every two years thereafter, at the places and on the day prescribed by law.

SEC. 9. *Term of office.* The term of office of Senators and Representatives shall commence at the time of their election.

SEC. 10. *Vacancies.* Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

SEC. 11. *Sessions.*

(1) *Regular sessions.* The General Assembly shall meet in regular session in 1973 and every two years thereafter on the day prescribed by law. Neither house shall proceed upon public business unless a majority of all of its members are actually present.

(2) *Extra sessions on legislative call.* The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives.

SEC. 12. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

SEC. 13. *President of the Senate.* The Lieutenant Governor shall be President of the Senate and shall preside over the Senate, but shall have no vote unless the Senate is equally divided.

SEC. 14. *Other officers of the Senate.*

(1) *President Pro Tempore—succession to presidency.* The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

(2) *President Pro Tempore—temporary succession.* During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate.

(3) *Other Officers.* The Senate shall elect its other officers.

SEC. 15. *Officers of the House of Representatives.* The House of Representatives shall elect its Speaker and other officers.

SEC. 16. *Compensation and allowances.* The members and officers of the General Assembly shall receive for their services the compensation and allowances prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted.

SEC. 17. *Journals.* Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

SEC. 18. *Protests.* Any member of either house may dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and have the reasons of his dissent entered on the journal.

SEC. 19. *Record votes.* Upon motion made in either house and seconded by one fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journal.

SEC. 20. *Powers of the General Assembly.* Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

SEC. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina enacts:"

SEC. 22. *Action on bills.* All bills and resolutions of a legislative nature shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

SEC. 23. *Revenue bills.* No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

SEC. 24. *Limitations on local, private, and special legislation.*

(1) *Prohibited subjects.* The General Assembly shall not enact any local, private, or special act or resolution:

- (a) Relating to health, sanitation, and the abatement of nuisances;
- (b) Changing the names of cities, towns, and townships;
- (c) Authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys;
- (d) Relating to ferries or bridges;
- (e) Relating to non-navigable streams;
- (f) Relating to cemeteries;
- (g) Relating to the pay of jurors;
- (h) Erecting new townships, or changing townships lines, or establishing or changing the lines of school districts;
- (i) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury;
- (j) Regulating labor, trade, mining, or manufacturing;
- (k) Extending the time for the levy or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability;
- (l) Giving effect to informal wills and deeds;
- (m) Granting a divorce or securing alimony in any individual case;
- (n) Altering the name of any person, or legitimating any person not born in lawful wedlock, or restoring to the rights of citizenship any person convicted of a felony.

(2) *Repeals.* Nor shall the General Assembly enact any such local, private, or special act by partial repeal of a general law; but the General Assembly may at any time repeal local, private, or special laws enacted by it.

(3) *Prohibited acts void.* Any local, private, or special act or resolution enacted in violation of the provisions of this Section shall be void.

(4) *General laws.* The General Assembly may enact general laws regulating the matters set out in this Section.

ARTICLE III

EXECUTIVE

SECTION 1, *Executive power.* The executive power of the State shall be vested in the Governor.

SEC. 2. *Governor and Lieutenant Governor: election, term, and qualifications.*

(1) *Election and term.* The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) *Qualifications.* No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two consecutive terms of the same office.

SEC. 3. *Succession to office of Governor.*

(1) *Succession as Governor.* The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

(2) *Succession as Acting Governor.* During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

(3) *Physical incapacity.* The Governor may, by a written statement filed with the Attorney General, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

(4) *Mental incapacity.* The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in

session, the Council of State, a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

(5) *Impeachment.* Removal of the Governor from office for any other cause shall be by impeachment.

SEC. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of Governor.

SEC. 5. *Duties of Governor.*

(1) *Residence.* The Governor shall reside at the seat of government of this State.

(2) *Information to General Assembly.* The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

(3) *Budget.* The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

The total expenditures of the State for the fiscal period covered by the budget shall not exceed the total of receipts during that fiscal period and the surplus remaining in the State Treasury at the beginning of the period. To insure that the State does not incur a deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures, after first making adequate provision for the prompt payment of the principal of and interest on bonds and notes of the State according to their terms, whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures. This section shall not be construed to impair the power of the State to issue its bonds and notes within the limitations imposed in Article V of this Constitution, nor to impair the obligation of bonds and notes of the State now outstanding or issued hereafter.

(4) *Execution of laws.* The Governor shall take care that the laws be faithfully executed.

(5) *Commander in Chief.* The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

(6) *Clemency.* The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprieves, commutations, and pardons shall not include paroles.

(7) *Extra sessions.* The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

(8) *Appointments.* The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

(9) *Information.* The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

(10) *Administrative reorganization.* The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly.

SEC. 6. *Duties of the Lieutenant Governor.* The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall perform such additional duties as the General Assembly or the Governor may assign to him. He shall receive the compensation and allowances prescribed by law.

SEC. 7. *Other elective officers.*

(1) *Officers.* A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) *Duties.* Their respective duties shall be prescribed by law.

(3) *Vacancies.* If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

(4) *Interim officers.* Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

(5) *Acting officers.* During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

(6) *Determination of incapacity.* The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

SEC. 8. *Council of State.* The Council of State shall consist of the officers whose offices are established by this Article.

SEC. 9. *Compensation and allowances.* The officers whose offices are established by this Article shall at stated periods receive the compensation and allowances prescribed by law, which shall not be diminished during the time for which they have been chosen.

SEC. 10. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State of North Carolina," and signed by the Governor.

SEC. 11. *Administrative departments.* Not later than July 1, 1975, all administrative departments, agencies, and offices of the State and their respective functions, powers, and duties shall be allocated by law among and within not more than 25 principal administrative departments so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may, but need not, be allocated within a principal department.

ARTICLE IV

JUDICIAL

SECTION 1. *Judicial power.* The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

SEC. 2. *General Court of Justice.* The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

SEC. 3. *Judicial powers of administrative agencies.* The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

SEC. 4. *Court for the Trial of Impeachments.* The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

SEC. 5. *Appellate division.* The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals.

SEC. 6. *Supreme Court.*

(1) *Membership.* The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available may discharge those duties.

(2) *Sessions of the Supreme Court.* The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

SEC. 7. *Court of Appeals.* The structure, organization, and composition of the Court of Appeals shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe.

SEC. 8. *Retirement of Justices and Judges.* The General Assembly shall provide by general law for the retirement of Justices and Judges of the General Court of Justice, and may provide for the temporary recall of any retired Justice or Judge to serve on the court from which he was retired. The General Assembly shall also prescribe maximum age limits for service as a Justice or Judge.

SEC. 9. *Superior Courts.*

(1) *Superior Court districts.* The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) *Open at all times; sessions for trial of cases.* The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) *Clerks.* A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. If the office of Clerk of the Superior Court becomes vacant

otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

SEC. 10. *District Courts.* The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office.

SEC. 11. *Assignment of Judges.* The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

SEC. 12. *Jurisdiction of the General Court of Justice.*

(1) *Supreme Court.* The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court may issue any remedial writs necessary to give it general supervision and control over the proceedings of the other courts.

(2) *Court of Appeals.* The Court of Appeals shall have such appellate jurisdiction as the General Assembly may prescribe.

(3) *Superior Court.* Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall prescribe by general law uniformly applicable in every county of the State.

(4) *District Courts; Magistrates.* The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

(5) *Waiver.* The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

(6) *Appeals.* The General Assembly shall by general law provide a proper system of appeals. Appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

SEC. 13. *Forms of action; rules of procedure.*

(1) *Forms of Action.* There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment thereof, shall be termed a criminal action.

(2) *Rules of procedure.* The Supreme Court shall have exclusive authority to make rules of procedure and practice for the Appellate Division. The General Assembly may make rules of procedure and practice for the Superior Court and District Court Divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court Divisions.

SEC. 14. *Waiver of jury trial.* In all issues of fact joined in any court, the parties in any civil case may waive the right to have the issues determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

SEC. 15. *Administration.* The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

SEC. 16. *Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court.* Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe.

SEC. 17. *Removal of Judges, Magistrates and Clerks.*

(1) *Removal of Judges by the General Assembly.* Any Justice or Judge of the General Court of Justice may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all the members of each house of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least 20 days before the day on which either house of the General Assembly shall act thereon. Removal from office by the General Assembly for any other cause shall be by impeachment.

(2) *Additional method of removal of Judges.* The General Assembly shall prescribe a procedure, in addition to impeachment and address set forth in this Section, for the removal of a Justice or Judge of the General Court of Justice for mental or physical

incapacity interfering with the performance of his duties which is, or is likely to become, permanent, and for the censure and removal of a Justice or Judge of the General Court of Justice for wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(3) *Removal of Magistrates.* The General Assembly shall provide by general law for the removal of Magistrates for misconduct or mental or physical incapacity.

(4) *Removal of Clerks.* Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

SEC. 18. *District Attorney and prosecutorial districts.*

(1) *District Attorneys.* The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. The District Attorney shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

(2) *Prosecution in District Court Division.* Criminal actions in the District Court Division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

SEC. 19. *Vacancies.* Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 30 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified.

SEC. 20. *Revenues and expenses of the judicial department.* The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

SEC. 21. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article, but the salaries of Judges shall not be diminished during their continuance in office. In no case

shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

SEC. 22. *Qualification of Justices and Judges.* Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, or Judge of District Court. This section shall not apply to persons elected to or serving in such capacities on or before January 1, 1981.

ARTICLE V

FINANCE

SECTION 1. *No capitation tax to be levied.* No poll or capitation tax shall be levied by the General Assembly or by any county, city or town, or other taxing unit.

SEC. 2. *State and local taxation.*

(1) *Power of taxation.* The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

(2) *Classification.* Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis and shall not be delegated. No class of property shall be taxed except by uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other unit of local government.

(3) *Exemptions.* Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding \$300, any personal property. The General Assembly may exempt from taxation not exceeding \$1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other unit of local government. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

(4) *Special tax areas.* Subject to the limitations imposed by Section 4, the General Assembly may enact general laws authorizing the governing body of any county, city or town to define territorial areas and to levy taxes within those areas, in addition to those levied throughout the county, city, or town, in order to finance, provide, or maintain services, facilities, and functions in addition to or to a greater extent than those financed, provided, or maintained for the entire county, city, or town.

(5) *Purposes of property tax.* The General Assembly shall not authorize any county, city or town, special district, or other unit of local government to levy taxes on property, except for purposes authorized by general law uniformly applicable throughout the State, unless the tax is approved by a majority of the qualified voters of the unit who vote thereon.

(6) *Income tax.* The rate of tax on incomes shall not in any case exceed ten per cent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed.

(7) *Contracts.* The General Assembly may enact laws whereby the State, any county, city or town, and any other public corporation may contract with and appropriate money to any person, association, or corporation for the accomplishment of public purposes only.

SEC. 3. *Limitations upon the increase of State debt.*

(1) *Authorized purposes; two-thirds limitation.* The General Assembly shall have no power to contract debts secured by a pledge of the faith and credit of the State, unless approved by a majority of the qualified voters of the State who vote thereon, except for the following purposes:

- (a) to fund or refund a valid existing debt;
- (b) to supply an unforeseen deficiency in the revenue;
- (c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;
- (d) to suppress riots or insurrections, or to repel invasions;
- (e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;
- (f) for any other lawful purpose, to the extent of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium.

(2) *Gift or loan of credit regulated.* The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State, and is approved by a majority of the qualified voters who vote thereon.

(3) *Definitions.* A debt is incurred within the meaning of this Section when the State borrows money. A pledge of the faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when the State exchanges its obligations with or in any way guarantees the debts of an individual, association or private corporation.

(4) *Certain debts barred.* The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868-69 and 1869-70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

(5) *Outstanding debt.* Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

SEC. 4. *Limitations upon the increase of local government debt.*

(1) *Regulation of borrowing and debt.* The General Assembly shall enact general laws relating to the borrowing of money secured by a pledge of the faith and credit and the contracting of other debts by counties, cities and towns, special districts, and other units, authorities, and agencies of local government.

(2) *Authorized purposes; two-thirds limitation.* The General Assembly shall have no power to authorize any county, city or town, special district, or other unit of local government to contract debts secured by a pledge of its faith and credit unless approved by a majority of the qualified voters of the unit who vote thereon, except for the following purposes:

- (a) to fund or refund a valid existing debt;
- (b) to supply an unforeseen deficiency in the revenue;
- (c) to borrow in anticipation of the collection of taxes due and payable within the current fiscal year to an amount not exceeding 50 per cent of such taxes;
- (d) to suppress riots or insurrections;
- (e) to meet emergencies immediately threatening the public health or safety, as conclusively determined in writing by the Governor;
- (f) for purpose authorized by general laws uniformly applicable throughout the State, to the extent of two-thirds of the amount by which the unit's outstanding indebtedness shall have been reduced during the next preceding fiscal year.

(3) *Gift or loan of credit regulated.* No county, city or town, special district, or other unit of local government shall give or lend its credit in aid of any person, association, or corporation, except for public purposes as authorized by general law, and unless approved by a majority of the qualified voters of the unit who vote thereon.

(4) *Certain debts barred.* No county, city or town, or other unit of local government shall assume or pay any debt or the interest thereon contracted directly or indirectly in aid or support of rebellion or insurrection against the United States.

(5) *Definitions.* A debt is incurred within the meaning of this Section when a county, city or town, special district, or other unit, authority, or agency of local government borrows money. A pledge of faith and credit within the meaning of this Section is a pledge of the taxing power. A loan of credit within the meaning of this Section occurs when a county, city or town, special district, or other unit, authority, or agency of local government exchanges its obligations with or in any way guarantees the debts of an individual, association, or private corporation.

(6) *Outstanding debt.* Except as provided in subsection (4), nothing in this Section shall be construed to invalidate or impair the obligation of any bond, note, or other evidence of indebtedness outstanding or authorized for issue as of July 1, 1973.

SEC. 5. *Acts levying taxes to state objects.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

SEC. 6. *Inviolability of sinking funds and retirement funds.*

(1) *Sinking funds.* The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created, except that these funds may be invested as authorized by law.

(2) *Retirement funds.* Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System or the Local Governmental Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teacher's and State Employees' Retirement System and the Local Governmental Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.

SEC. 7. *Drawing public money.*

(1) *State treasury.* No money shall be drawn from the State Treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be published annually.

(2) *Local treasury.* No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law.

SEC. 8. *Health care facilities.* Notwithstanding any other provisions of this Constitution, the General Assembly may enact general laws to authorize the State, counties, cities or towns, and other State and local governmental entities to issue revenue bonds to finance or refinance for any such governmental entity or any nonprofit private corporation, regardless of any church or religious relationship, the cost of acquiring, constructing, and financing health care facility projects to be operated to serve and benefit the public; provided, no cost incurred earlier than two years prior to the effective date of this section shall be refinanced. Such bonds shall be payable from the revenues, gross or net, of any such projects and any other health care facilities of any such governmental entity or nonprofit private corporation pledged therefor; shall not be secured by a pledge of the full faith and credit, or deemed to create an indebtedness requiring voter approval of any governmental entity; and may be secured by an agreement which may provide for the conveyance of title of, with or without consideration, any such project or facilities to the governmental entity or nonprofit private corporation. The power of eminent domain shall not be used pursuant hereto for nonprofit private corporations.

SEC. 9. *Capital projects for industry.* Notwithstanding any other provision of this Constitution, the General Assembly may enact general laws to authorize counties to create authorities to issue revenue bonds to finance, but not to refinance, the cost of capital projects consisting of industrial, manufacturing and pollution control facilities for industry and pollution control facilities for public utilities, and to refund such bonds.

In no event shall such revenue bonds be secured by or payable from any public moneys whatsoever, but such revenue bonds shall be secured by and payable only from revenues or property derived from private parties. All such capital projects and all transactions

therefor shall be subject to taxation to the extent such projects and transactions would be subject to taxation if no public body were involved therewith; provided, however, that the General Assembly may provide that the interest on such revenue bonds shall be exempt from income taxes within the State.

The power of eminent domain shall not be exercised to provide any property for any such capital project.

SEC. 10. *Joint ownership of generation and transmission facilities.* In addition to other powers conferred upon them by law, municipalities owning or operating facilities for the generation, transmission or distribution of electric power and energy and joint agencies formed by such municipalities for the purpose of owning or operating facilities for the generation and transmission of electric power and energy (each, respectively, "a unit of municipal government") may jointly or severally own, operate and maintain works, plants and facilities, within or without the State, for the generation and transmission of electric power and energy, or both, with any person, firm, association or corporation, public or private, engaged in the generation, transmission or distribution of electric power and energy for resale (each, respectively, "a co-owner") within this State or any state contiguous to this State, and may enter into and carry out agreements with respect to such jointly owned facilities. For the purpose of financing its share of the cost of any such jointly owned electric generation or transmission facilities, a unit of municipal government may issue its revenue bonds in the manner prescribed by the General Assembly, payable as to both principal and interest solely from and secured by a lien and charge on all or any part of the revenue derived, or to be derived, by such unit of municipal government from the ownership and operation of its electric facilities; provided, however, that no unit of municipal government shall be liable, either jointly or severally, for any acts, omissions or obligations of any co-owner, nor shall any money or property of any unit of municipal government be credited or otherwise applied to the account of any co-owner or to be charged with any debt, lien or mortgage as a result of any debt or obligation of any co-owner.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. *Who may vote.* Every person born in the United States and every person who has been naturalized, 18 years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

SEC. 2. *Qualifications of voter.*

(1) *Residence period for State elections.* Any person who has resided in the State of North Carolina for one year and in the precinct, ward, or other election district for 30 days next preceding an election, and possesses the other qualifications set out in this Article, shall be entitled to vote at any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which that person has removed until 30 days after the removal.

(2) *Residence period for presidential elections.* The General Assembly may reduce the time of residence for persons voting in presidential elections. A person made eligible by reason of a reduction in time of residence shall possess the other qualifications set out in

this Article, shall only be entitled to vote for President and Vice President of the United States or for electors for President and Vice President, and shall not thereby become eligible to hold office in this State.

(3) *Disqualification of felon.* No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

SEC. 3. *Registration.* Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

SEC. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.

SEC. 5. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce. A contested election for any office established by Article III of this Constitution shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law.

SEC. 6. *Eligibility to elective office.* Every qualified voter in North Carolina who is 21 years of age, except as in this Constitution disqualified, shall be eligible for election by the people to office.

SEC. 7. *Oath.* Before entering upon the duties of an office, a person elected or appointed to the office shall take and subscribe the following oath:

"I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as, so help me God."

SEC. 8. *Disqualifications for office.* The following persons shall be disqualified for office:

First, any person who shall deny the being of Almighty God.

Second, with respect to any office that is filled by election by the people, any person who is not qualified to vote in an election for that office.

Third, any person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who has been adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law.

SEC. 9. *Dual office holding.*

(1) *Prohibitions.* It is salutary that the responsibilities of self-government be widely shared among the citizens of the State and that the potential abuse of authority inherent in the holding of multiple offices by an individual be avoided. Therefore, no person who holds

any office or place of trust or profit under the United States or any department thereof, or under any other state or government, shall be eligible to hold any office in this State that is filled by election by the people. No person shall hold concurrently any two offices in this State that are filled by election of the people. No person shall hold concurrently any two or more appointive offices or places of trust or profit, or any combination of elective and appointive offices or places of trust or profit, except as the General Assembly shall provide by general law.

(2) *Exceptions.* The provisions of this Section shall not prohibit any officer of the military forces of the State or of the United States not on active duty for an extensive period of time, any notary public, or any delegate to a Convention of the People from holding concurrently another office or place of trust or profit under this State or the United States or any department thereof.

SEC. 10. *Continuation in office.* In the absence of any contrary provision, all officers in this State, whether appointed or elected, shall hold their positions until other appointments are made or, if the offices are elective, until their successors are chosen and qualified.

ARTICLE VII

LOCAL GOVERNMENT

SECTION 1. *General Assembly to provide for local government.* The General Assembly shall provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable.

The General Assembly shall not incorporate as a city or town, nor shall it authorize to be incorporated as a city or town, any territory lying within one mile of the corporate limits of any other city or town having a population of 5,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within three miles of the corporate limits of any other city or town having a population of 10,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within four miles of the corporate limits of any other city or town having a population of 25,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within five miles of the corporate limits of any other city or town having a population of 50,000 or more according to the most recent decennial census of population taken by order of Congress. Notwithstanding the foregoing limitations, the General Assembly may incorporate a city or town by an act adopted by vote of three-fifths of all the members of each house.

SEC. 2. *Sheriffs.* In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the General Assembly are elected and shall hold his office for a period of four years, subject to removal for cause as provided by law.

SEC. 3. *Merged or consolidated counties.* Any unit of local government formed by the merger or consolidation of a county or counties and the cities and towns therein shall be deemed both a county and a city for the purposes of this Constitution, and may exercise any authority conferred by law on counties, or on cities and towns, or both, as the General Assembly may provide.

ARTICLE VIII

CORPORATIONS

SECTION 1. *Corporate charters.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering, organization, and powers of all corporations, and for the amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general acts may be altered from time to time or repealed. The General Assembly may at any time by special act repeal the charter of any corporation.

SEC. 2. *Corporations defined.* The term "corporation" as used in this Section shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

ARTICLE IX

EDUCATION

SECTION 1. *Education encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

SEC. 2. *Uniform system of schools.*

(1) *General and uniform system; term.* The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

(2) *Local responsibility.* The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.

SEC. 3. *School attendance.* The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

SEC. 4. *State Board of Education*

(1) *Board.* The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appoint-

ments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) *Superintendent of Public Instruction.* The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

SEC. 5. *Powers and duties of Board.* The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

SEC. 6. *State school fund.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.

SEC. 7. *County school fund.* All moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.

SEC. 8. *Higher education.* The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly shall provide for the selection of trustees of The University of North Carolina and of the other institutions of higher education, in whom shall be vested all the privileges, rights, franchises, and endowments heretofore granted to or conferred upon the trustees of these institutions. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and the other public institutions of higher education.

SEC. 9. *Benefits of public institutions of higher education.* The General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense.

SEC. 10. *Escheats.*

(1) *Escheats prior to July 1, 1971.* All property that prior to July 1, 1971, accrued to the State from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of The University of North Carolina.

(2) *Escheats after June 30, 1971.* All property that, after June 30, 1971, shall accrue to the State from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons shall be used to aid worthy and needy students who are residents of this State and are enrolled in public institutions of higher education in this State. The method, amount, and type of distribution shall be prescribed by law.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

SECTION 1. *Personal property exemptions.* The personal property of any resident of this State, to a value fixed by the General Assembly but not less than \$500, to be selected by the resident, is exempted from sale under execution or other final process of any court, issued for the collection of any debt.

SEC. 2. *Homestead exemptions.*

(1) *Exemption from sale; exceptions.* Every homestead and the dwellings and buildings used therewith, to a value fixed by the General Assembly but not less than \$1,000, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or town with the dwellings and buildings used thereon, and to the same value, owned and occupied by a resident of the State, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for its purchase.

(2) *Exemption for benefit of children.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of the owner's children, or any of them.

(3) *Exemption for benefit of surviving spouse.* If the owner of a homestead dies, leaving a surviving spouse but no minor children, the homestead shall be exempt from the debts of the owner, and the rents and profits thereof shall inure to the benefit of the surviving spouse until he or she remarries, unless the surviving spouse is the owner of a separate homestead.

(4) *Conveyance of homestead.* Nothing contained in this Article shall operate to prevent the owner of a homestead from disposing of it by deed, but no deed made by a married owner of a homestead shall be valid without the signature and acknowledgement of his or her spouse.

SEC. 3. *Mechanics' and laborer's liens.* The General Assembly shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming the exemption or a mechanic's lien for work done on the premises.

SEC. 4. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised and bequeathed and

conveyed by her, subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

SEC. 5. *Insurance.* A person may insure his or her own life for the sole use and benefit of his or her spouse or children or both, and upon his or her death the proceeds from the insurance shall be paid to or for the benefit of the spouse or children or both, or to a guardian, free from all claims of the representatives or creditors of the insured or his or her estate. Any insurance policy which insures the life of a person for the sole use and benefit of that person's spouse or children or both shall not be subject to the claims of creditors of the insured during his or her lifetime, whether or not the policy reserves to the insured during his or her lifetime any or all rights provided for by the policy and whether or not the policy proceeds are payable to the estate of the insured in the event the beneficiary or beneficiaries predecease the insured.

ARTICLE XI

PUNISHMENTS, CORRECTIONS, AND CHARITIES

SECTION 11. *Punishments.* The following punishments only shall be known to the laws of this State: death, imprisonment, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

SEC. 2. *Death punishment.* The object of punishments being not only to satisfy justice, but also to reform the offender and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. *Charitable and correctional institutions and agencies.* Such charitable, benevolent, penal, and correctional institutions and agencies as the needs of humanity and the public good may require shall be established and operated by the State under such organization and in such manner as the General Assembly may prescribe.

SEC. 4. *Welfare policy; board of public welfare.* Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state. Therefore the General Assembly shall provide for and define the duties of a board of public welfare.

ARTICLE XII

MILITARY FORCES

SECTION 1. *Governor is Commander in Chief.* The Governor shall be Commander in Chief of the military forces of the State and may call out those forces to execute the law, suppress riots and insurrections, and repel invasion.

ARTICLE XIII

CONVENTIONS; CONSTITUTIONAL AMENDMENT AND REVISION

SECTION 1. *Convention of the People.* No Convention of the People of this State shall

ever be called unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and unless the proposition "Convention or No Convention" is first submitted to the qualified voters of the State at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast upon the proposition are in favor of a Convention, it shall assemble on the day prescribed by the General Assembly. The General Assembly shall, in the act of submitting the convention proposition, propose limitations upon the authority of the Convention; and if a majority of the votes cast upon the proposition are in favor of a Convention, those limitations shall become binding upon the Convention. Delegates to the Convention shall be elected by the qualified voters at the time and in the manner prescribed in the act of submission. The Convention shall consist of a number of delegates equal to the membership of the House of Representatives of the General Assembly that submits the convention proposition and the delegates shall be apportioned as is the House of Representatives. A Convention shall adopt no ordinance not necessary to the purpose for which the Convention has been called.

SEC. 2. *Power to revise or amend Convention reserved to people.* The people of this State reserve the power to amend this Constitution and to adopt a new or revised Constitution. This power may be exercised by either of the methods set out hereinafter in this Article, but in no other way.

SEC. 3. *Revision or amendment by Convention of the People.* A Convention of the People of this State may be called pursuant to Section 1 of this Article to propose a new or revised Constitution or to propose amendments to this Constitution. Every new or revised Constitution and every constitutional amendment adopted by a Convention shall be submitted to the qualified voters of the State at the time and in the manner prescribed by the Convention. If a majority of the votes cast thereon are in favor of ratification of the new or revised Constitution or the constitutional amendment or amendments, it or they shall become effective January first next after ratification by the qualified voters unless a different effective date is prescribed by the Convention.

SEC. 4. *Revision or amendment by legislative initiation.* A proposal of a new or revised Constitution or an amendment or amendments to this Constitution may be initiated by the General Assembly, but only if three-fifths of all the members of each house shall adopt an act submitting the proposal to the qualified voters of the State for their ratification or rejection. The proposal shall be submitted at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast thereon are in favor of the proposed new or revised Constitution or constitutional amendment or amendments, it or they shall become effective January first next after ratification by the voters unless a different effective date is prescribed in the act submitting the proposal or proposals to the qualified voters.

ARTICLE XIV

MISCELLANEOUS

SECTION 1. *Seat of government.* The permanent seat of government of this State shall be at the City of Raleigh.

SEC. 2. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

SEC. 3. *General laws defined.* Whenever the General Assembly is directed or authorized by this Constitution to enact general laws, or general laws uniformly applicable

throughout the State, or general laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to such subject matter shall also be general and uniform in its effect throughout the State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable throughout the State shall be made applicable without classification or exception in every unit of local government of like kind, such as every county, or every city and town, but need not be made applicable in every unit of local government in the State. General laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, shall be made applicable without classification or exception in every unit of local government, or in every local court district, as the case may be. The General Assembly may at any time repeal any special, local, or private act.

SEC. 4. *Continuity of laws; protection of office holders.* The laws of North Carolina not in conflict with this Constitution shall continue in force until lawfully altered. Except as otherwise specifically provided, the adoption of this Constitution shall not have the effect of vacating any office or term of office now filled or held by virtue of any election or appointment made under the prior Constitution of North Carolina and the laws of the State enacted pursuant thereto.

SEC. 5. *Conservation of natural resources.* It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions to acquire and preserve park, recreational, and scenic areas, to control and limit the pollution of our air and water, to control excessive noise, and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands, and places of beauty.

To accomplish the aforementioned public purposes, the State and its counties, cities and towns, and other units of local government may acquire by purchase or gift properties or interests in properties which shall, upon their special dedication to and acceptance by resolution adopted by a vote of three-fifths of the members of each house of the General Assembly for those public purposes, constitute part of the "State Nature and Historic Preserve", and which shall not be used for other purposes except as authorized by the law enacted by a vote of three-fifths of the members of each house of the General Assembly. The General Assembly shall prescribe by general law the conditions and procedures under which such properties or interests therein shall be dedicated for the aforementioned public purposes.

SESSION LAWS
OF THE
STATE OF NORTH CAROLINA

1981 GENERAL ASSEMBLY
FIRST EXTRA SESSION 1982

H. B. 4**CHAPTER 1**

AN ACT TO PROVIDE PROCEDURES FOR FILLING VACANCIES ON
THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS.

The General Assembly of North Carolina enacts:

Section 1. The first two sentences of G.S. 116-7(c) are rewritten to read:

“Whenever any vacancy shall occur in the elected membership of the Board of Governors, it shall be the duty of the Board to inform the Speaker of the House of Representatives and the President of the Senate of the vacancy, and the vacancy shall remain unfilled until the General Assembly elects a person to fill the vacancy.

The General Assembly shall fill the vacancy not later than the adjournment sine die of the next regular session of the General Assembly. The election shall be for the remainder of the unexpired term.”

Sec. 2. There are hereby adopted procedures for nominating and electing a member of the Board of Governors of The University of North Carolina to fill for the remainder of the unexpired term the vacancy which existed at the convening of the 1982 extra session of the General Assembly:

(1) It is the duty of the University Board of Governors Nominating Committee in the House of Representatives to choose at least two candidates for the vacancy on the Board of Governors of The University of North Carolina.

(2) The committee shall consider only nominations which were made by members of the House of Representatives prior to 5 p.m. on Tuesday, February 9, 1982. The House Committee shall vote by majority vote to determine whether each person considered shall be placed on the House Ballot as a “Recommended Nominee” or a “Nominee”. If two or more persons have been nominated by members of the House to fill the vacancy, the committee shall recommend at least two persons as a “Recommended Nominee”.

(3) The House of Representatives shall hold the election during the 1982 extra session at a time to be set by the Speaker of the House of Representatives. Before the voting begins, the Speaker of the House of Representatives shall explain the voting rules, which are:

(i) No nominations will be received from the floor.

(ii) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.

(iii) Each member present and voting shall vote for only one candidate, and any ballot not so marked shall be deemed void.

(iv) When no candidate receives a majority of the votes cast for all the candidates, a runoff shall be conducted between the person receiving the highest and the person receiving the second highest number of votes cast.

(v) If there is a tie for the second position between two nominees who are eligible for the next runoff, both nominees will be included in the next runoff balloting, even though there would thereby be more than two nominees for the position on the Board of Governors.

(4) A ballot shall be prepared under the supervision of the Chairman of the University Board of Governors Nominating Committee in the House of Representatives.

(5) The ballot shall list only those nominees proposed by the University Board of Governors Nominating Committee in the House of Representatives who have consented to run and all those nominees proposed by a member of the House of Representatives prior to 5 p.m., Tuesday, February 9, 1982, who have consented to run and for whom the House is entitled to vote. Their names shall be arranged alphabetically by surname. Each person whose name appears on the ballot shall be thereby designated as a "Recommended Nominee" or as a "Nominee" as the University Board of Governors Nominating Committee in the House of Representatives shall have determined.

(6) The members of the House of Representatives shall proceed to mark their ballots.

(7) The Chairman of the University Board of Governors Nominating Committee in the House of Representatives shall be responsible for canvassing the vote and declaring the results. The number of votes received by each candidate shall not be released.

(8) When the Chairman of the University Board of Governors Nominating Committee in the House of Representatives has determined that the House has chosen one person to fill the vacancy, the chairman shall make a motion for the election of the person by the House to the position for the remainder of the unexpired term. The roll of the House shall then be called electronically. If a majority of those voting shall vote "aye", the person shall be declared to have been elected.

(9) The results of the election in the House of Representatives shall then be sent by Special Messenger to the Senate.

(10) When the election process is complete, the Principal Clerk of the House of Representatives shall notify the Secretary of the Board of Governors of The University of North Carolina of the name of the person elected by the General Assembly and the term for which the person was elected.

Sec. 3. This act is effective upon ratification. Section 2 of this act shall apply only to the vacancy in existence upon the convening of the 1982 extra session.

In the General Assembly read three times and ratified, this the 10th day of February, 1982.

H. B. 5**CHAPTER 2**

AN ACT TO MODIFY THE PROVISIONS OF CHAPTERS 567 AND 965 OF THE 1981 SESSION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-366.1(a), as enacted by Chapter 567 of the 1981 Session Laws, is amended by deleting the word "shall" in line one and substituting the word "may".

Sec. 2. G.S. 115C-366.1(b), as enacted by Chapter 567 of the 1981 Session Laws, is rewritten to read:

"(b) The tuition charge for a student shall not exceed the amount of per pupil local funding."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1982.

H. B. 3**CHAPTER 3**

AN ACT OF LIMITED DURATION TO DELAY THE PRIMARY ELECTIONS IN 1982 ONLY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the primary election schedule, for 1982 only, pursuant to G.S. 162-1(b) shall be postponed in North Carolina and conducted consistent with the schedule as hereinafter prescribed.

Sec. 2. The primary elections in 1982 for all offices scheduled to be nominated in North Carolina shall be ordered by the State Board of Elections in accordance with the following schedule and shall be conducted on one of the alternative dates set forth herein, as computed in Section 3:

<u>Schedule #</u>	<u>Voter</u>			
	<u>First</u> <u>Primary</u>	<u>Registration</u> <u>Deadline</u>	<u>Second</u> <u>Primary</u>	<u>Filing</u> <u>Dates</u>
1	May 4, 1982	April 5, 1982	June 1, 1982	3/23-3/29
2	May 18, 1982	April 19, 1982	June 15, 1982	4/6-4/12
3	June 1, 1982	May 3, 1982	June 29, 1982	4/20-4/26
4	June 29, 1982	June 1, 1982	July 27, 1982	5/4-5/10
5	July 20, 1982	June 21, 1982	August 17, 1982	5/11-5/17
6	July 27, 1982	June 28, 1982	August 24, 1982	5/18-5/24
7	August 3, 1982	July 6, 1982	August 31, 1982	6/2-6/8

Sec. 3. The State Board of Elections in exercising the authority contained in this act shall adopt the appropriate election schedule provided in Section 2 of this act according to the date of final clearance by the United States Justice Department of the apportionment plans for North Carolina Senate and North Carolina House of Representatives. The Board shall consult with the President of the Senate and the Speaker of the House of Representatives. Final approval by a court under the Voting Rights Act shall also be considered clearance. Notwithstanding the above language, schedules 1 and 2 shall only be

effective if the plans for North Carolina Senate, North Carolina House of Representatives and United States House of Representatives are all approved within the dates of clearance on those schedules. If all three plans have not been approved by April 6, 1982, then schedule 3 shall apply if the North Carolina House of Representatives and North Carolina Senate plans are approved before April 20, 1982.

<u>Date of Clearance</u>	<u>Schedule Number</u>
before March 23, 1982	1
after March 22, 1982 but before April 6, 1982	2
after April 5, 1982 but before April 20, 1982	3
after April 19, 1982 but before May 1, 1982	4
after April 30, 1982 but before May 8, 1982	5
after May 7, 1982 but before May 15, 1982	6
after May 14, 1982 but before May 29, 1982	7

Sec. 4. If final clearance on the North Carolina Senate and North Carolina House of Representatives apportionment plan has not occurred before May 29, 1982, then the date of the 1982 primary election shall be set by the 1981 regular session of the General Assembly when it next reconvenes.

Sec. 5. If final clearance on the North Carolina Senate and North Carolina House of Representatives apportionment plans has been obtained during a time period set in Section 3 of this act, but final approval by the United States Justice Department or a court of competent jurisdiction of the United States House of Representatives apportionment plan has not occurred by the opening time of candidate filing under that schedule then the filing period for candidates for United States House of Representatives shall not be opened, and the primary election for United States House of Representatives shall not be held on the same date as the primary provided in Section 2 of this act. The 1981 regular session of the General Assembly when next it reconvenes shall set the date for the Congressional primary.

Sec. 6. The filing period for candidates for United States House of Representatives, North Carolina Senate and North Carolina House of Representatives shall open at 12:00 noon and close at 12:00 noon on the dates specified in Section 2 of this act relating to the primary dates when established as provided in Section 3. This act does not reopen the filing period for any other office.

Sec. 7. The State Board of Elections shall prepare and distribute to the county boards of elections a Revised Primary Election Timetable - 1982, setting out the applicable filing period for candidates along with all other pertinent dates relative to the primary election timetable.

Sec. 8. The State Board of Elections is hereby authorized, consistent with provisions in G.S. 163-188, to set the dates on which it shall conduct the canvass and issue its certification of the results of the 1982 primary elections.

Sec. 9. Applications for absentee ballots shall be received consistent with the schedule specified in G.S. 163-109(b), G.S. 163-227.2(b) and G.S. 163-227 and absentee ballots for all offices, except United States House of Representatives, North Carolina Senate and North Carolina House of Representatives, shall be issued promptly consistent with statutory requirements. The State Board of Elections shall be authorized to instruct the county boards of elections on the procedure to follow to ensure expeditious supplemental issuance by mail, to each voter who previously was issued

absentee ballots, as promptly as possible after the ballots for United States House of Representatives, North Carolina Senate and North Carolina House of Representatives are available if those ballots are not yet available when the voter applies. No additional application shall be required from any voter whose application was approved and to whom all other ballots available were previously mailed or otherwise issued.

Sec. 10. No person shall be permitted to file as a candidate in the primary for United States House of Representatives, North Carolina Senate and North Carolina House of Representatives who has changed his political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-74(b) unless such person shall have affiliated with the political party in which he seeks to be a candidate for at least three months prior to the filing deadline specified in G.S. 163-106(c) as was applicable to all candidates for State and district judicial officers and all county officers which filing period expired at 12:00 noon on February 1, 1982.

Sec. 11. Whenever in accordance with the provisions of any local or general law a primary or election for a board of education or other office is to be held on the date of the primary election, or it is set to be on the Tuesday after the first Monday in May in 1982, it shall be held on the date provided in Section 2 of this act, and any election or runoff scheduled for four weeks later shall be held on the second primary date.

Sec. 12. Whenever in any apportionment plan for the United States House of Representatives, North Carolina Senate or North Carolina House of Representatives, a precinct is placed in two or more districts, and there is a primary, then the county board of elections, with the approval of the State Board of Elections may, for the 1982 primary election:

- (1) Divide the precinct into two or more precincts.
- (2) Change precinct lines to place part of the precinct with a precinct which has the same election district.
- (3) Keep the same precinct but ascertain either in advance or on the date of the primary which district the voter resides in, and if a primary is being held in that district, give the voter the ballots for the appropriate district. This may be accomplished by a paper ballot for the office even if a machine is used for other offices or other voters.
- (4) Provide some other procedure to ensure that each voter does not cast ballots in more than one district.

In adopting a procedure under this section, the Board shall attempt to use the method which is least disruptive to the voter, and any action to change precinct lines shall be taken in accordance with G.S. 163-28 except that notice shall be given not less than 20 days prior to the primary election instead of 20 days prior to the close of registration.

Sec. 13. In case the area in any military reservation has been placed in several precincts without definite lines having been drawn, the county board of elections may provide for the entire military reservation to be in one election precinct, irrespective of township lines in accordance with Section 12 of this act, or it may use an alternative stated in Section 12 of this act. Any action under this section must be approved by the State Board of Elections.

Sec. 14. In the case of a district executive committee under G.S. 163-114 to fill vacancies among party nominees occurring after nomination and before election, in cases where part of the county is in a United States House, North

Carolina Senate, or North Carolina House district with all or part of another county, a county political party, in choosing members, shall allow only delegates from precincts within the district to vote in electing the members of the district executive committee. In a case where a district constitutes part of a county standing alone, and the county executive committee is to vote to fill the nomination, only members of the committee who reside within the district may vote. Rules for voting shall be prescribed by the State party chairman unless the State party provides otherwise.

Sec. 15. For the 1982 primary election only, G.S. 163-112 shall be applied by substituting "10 days" for "30 days" wherever it appears, insofar as the offices of United States Representative, North Carolina Senate, or North Carolina House are concerned.

Sec. 16. The State Board of Elections shall adopt regulations to implement this act. Adoption of such regulations is not subject to Chapter 150A of the General Statutes except as to filing, publication, and review of the rules. In lieu of the notice requirements of G.S. 163-33(8), the State Board of Elections shall prescribe an abbreviated notice procedure of the primary, and for any other elections held on that date.

Sec. 17. The provisions of Sections 1 through 17 of this act shall be temporary and shall apply only to the 1982 primary elections conducted in North Carolina and its provisions shall expire on September 1, 1982; however, its provisions shall temporarily suspend all requirements in law to the contrary until the date of expiration.

Sec. 18. Section 3 of Chapter 1130, Session Laws of 1981, is repealed.

Sec. 19. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1982.

H. B. 1

CHAPTER 4

AN ACT TO APPORTION THE DISTRICTS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-2 is rewritten to read:

"§ 120-2. *House apportionment specified.*—(a) For the purpose of nominating and electing members of the North Carolina House of Representatives in 1982 and periodically thereafter, the State of North Carolina shall be divided into the following districts:

District 1 shall elect two Representatives and shall consist of Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans, and Tyrrell Counties; Holly Grove Township of Gates County; and Lees Mills, Plymouth, and Skinnerville Townships of Washington County.

District 2 shall elect one Representative and shall consist of Beaufort and Hyde Counties; and Scuppernon Township of Washington County.

District 3 shall elect three Representatives and shall consist of Craven, Lenoir, and Pamlico Counties.

District 4 shall elect three Representatives and shall consist of Carteret and Onslow Counties.

District 5 shall elect one Representative and shall consist of Northampton County; Indian Woods, Roxobel, Snake Bite, and Woodville Townships of

Bertie County; Gatesville, Hall, Haslett, Hunters Mill, Mintonville, and Reynoldson Townships of Gates County; and Harrellsville, Maneys Neck, Murfreesboro, St. Johns, and Winton Townships of Hertford County.

District 6 shall elect one Representative and shall consist of Colerain, Merry Hill, Mitchells, Whites, and Windsor Townships of Bertie County; Ahoskie Township of Hertford County; Beargrass, Cross Roads, Griffins, Jamesville, Poplar Point, Williams, and Williamston Townships of Martin County; and Bethel and Carolina Townships of Pitt County.

District 7 shall elect one Representative and shall consist of Brinkleyville, Butterwood, Conoconnara, Enfield, Faucett, Halifax, Palmyra, Roseneath, Scotland Neck, and Weldon Townships of Halifax County; Goose Nest, Hamilton, and Robersonville Townships of Martin County; and Fishing Creek, Fork, Sandy Creek, Shocco, and Warrenton Townships of Warren County.

District 8 shall elect four Representatives and shall consist of Edgecombe, Nash, and Wilson Counties.

District 9 shall elect two Representatives and shall consist of Greene County; and Arthur, Ayden, Belvoir, Chicod, Falkland, Farmville, Fountain, Greenville, Grifton, Grimesland, Pactolus, Swift Creek, and Winterville Townships of Pitt County.

District 10 shall elect one Representative and shall consist of Duplin and Jones Counties.

District 11 shall elect two Representatives and shall consist of Wayne County.

District 12 shall elect two Representatives and shall consist of Bladen and Sampson Counties; and Burgaw, Caswell, Columbia, Holly, Canetuck, Grady, Long Creek, Rocky Point, and Union Townships of Pender County.

District 13 shall elect two Representatives and shall consist of Federal Point, Harnett, Masonboro, and Wilmington Townships of New Hanover County.

District 14 shall elect one Representative and shall consist of Brunswick County; Cape Fear Township of New Hanover County; and Topsail Township of Pender County.

District 15 shall elect one Representative and shall consist of Columbus County.

District 16 shall elect three Representatives and shall consist of Hoke and Robeson Counties; and Spring Hill, Stewartville, and Williamsons Townships of Scotland County.

District 17 shall elect one Representative and shall consist of Block 901 and Enumeration District 534 of Census Tract 34 in Manchester Township, Block 901 and Enumeration District 535 of Census Tract 34 in Seventy-First Township, Block 901 of Census Tract 34 in Carver's Creek Township, and Cross Creek Precincts 16 and 17 (except for Block 107 of Census Tract 24) in Cross Creek Township of Cumberland County.

District 18 shall elect four Representatives and shall consist of the remainder of Cumberland County not included in District 17.

District 19 shall elect two Representatives and shall consist of Harnett and Lee Counties.

District 20 shall elect two Representatives and shall consist of Franklin and Johnston Counties.

District 21 shall elect six Representatives and shall consist of Wake County.

District 22 shall elect three Representatives and shall consist of Caswell, Granville, Person, and Vance Counties; Littleton and Roanoke Rapids Townships of Halifax County; and Hawtree, Judkins, Nutbush, River, Roanoke, Sixpound, and Smith Creek Townships of Warren County.

District 23 shall elect three Representatives and shall consist of Durham County.

District 24 shall elect two Representatives and shall consist of Orange County; and Baldwin, Cape Fear, Center, Hadley, Haw River, Hickory Mountain, Matthews, New Hope, Oakland, and Williams Townships of Chatham County.

District 25 shall elect four Representatives and shall consist of Alamance and Rockingham Counties; and Beaver Island and Snow Creek Townships of Stokes County.

District 26 shall elect one Representative and shall consist of Providence Township of Randolph County and Greensboro Precincts 5, 6, 7, 8, 19, 29, and 30, and Fentress Township of Guilford County.

District 27 shall elect three Representatives and shall consist of South Center Grove Precinct, Jamestown Precinct 2, North Madison Precinct, South Monroe Precinct, North Sumner Precinct, and Greensboro Precincts 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, and 36 of Guilford County.

District 28 shall elect two Representatives and shall consist of Deep River Township, Friendship Township, High Point Township, Jamestown Precincts 1 and 3, and South Sumner Precinct of Guilford County.

District 29 shall elect one Representative and shall consist of Belews Creek and Salem Chapel Townships of Forsyth County and North Center Grove Precinct, South Madison Precinct, North Monroe Precinct and Bruce, Clay, Greene, Jefferson, Oak Ridge, Rock Creek and Washington Townships of Guilford County.

District 30 shall elect one Representative and shall consist of Albright, Bear Creek, and Gulf Townships of Chatham County; and Asheboro, Coleridge, Columbia, Franklinville, Liberty, and Randleman Townships of Randolph County.

District 31 shall elect one Representative and shall consist of Moore County.

District 32 shall elect one Representative and shall consist of Richmond County; and Laurel Hill Township of Scotland County.

District 33 shall elect one Representative and shall consist of Anson and Montgomery Counties.

District 34 shall elect four Representatives and shall consist of Cabarrus, Stanly, and Union Counties.

District 35 shall elect two Representatives and shall consist of Rowan County.

District 36 shall elect eight Representatives and shall consist of Mecklenburg County.

District 37 shall elect three Representatives and shall consist of Davidson and Davie Counties; and Eagle Mills and Union Grove Townships of Iredell County.

District 38 shall elect one Representative and shall consist of Back Creek, Brower, Cedar Grove, Concord, Grant, Level Cross, New Hope, New Market,

Pleasant Grove, Richland, Tabernacle, Trinity, and Union Townships of Randolph County.

District 39 shall elect five Representatives and shall consist of Abbotts Creek, Bethania, Broadbay, Clemmonsville, Kernersville, Lewisville, Middle Fork, Old Richmond, Old Town, South Fork, Vienna, and Winston Townships of Forsyth County.

District 40 shall elect three Representatives and shall consist of Alleghany, Ashe, and Surry Counties; Big Creek, Danbury, Meadows, Peters Creek, Quaker Gap, Sauratown, and Yadkin Townships of Stokes County; and Bald Mountain, Blowing Rock, Blue Ridge, Boone, Brushy Fork, Cove Creek, Elk, Meat Camp, New River, North Fork, Stony Fork, and Watauga Townships of Watauga County.

District 41 shall elect two Representatives and shall consist of Wilkes and Yadkin Counties; and Gwaltneys, Sharpes, and Sugar Loaf Townships of Alexander County.

District 42 shall elect one Representative and shall consist of Bethany, Chambersburg, Concord, Cool Spring, New Hope, Olin, Sharpesburg, Statesville, and Turnersburg Townships of Iredell County.

District 43 shall elect one Representative and shall consist of Millers Township of Alexander County; Caldwell, Catawba, and Mountain Creek Townships of Catawba County; and Barringer, Coddle Creek, Davidson, Fallstown, and Shiloh Townships of Iredell County.

District 44 shall elect four Representatives and shall consist of Gaston and Lincoln Counties.

District 45 shall elect two Representatives and shall consist of Lower Fork and Upper Fork Townships of Burke County; and Bandy's, Clines, Hickory, Jacobs Fork, and Newton Townships of Catawba County.

District 46 shall elect three Representatives and shall consist of Avery, Caldwell, and Mitchell Counties; Ellendale, Little River, Taylorsville, and Wittenberg Townships of Alexander County; Drexel, Icard, Jonas Ridge, Lower Creek, Smoky Creek, and Upper Creek Townships of Burke County; and Beaverdam, Laurel Creek, and Shawneehaw Townships of Watauga County.

District 47 shall elect one Representative and shall consist of Linville, Lovelady, Morganton, Quaker Meadow, and Silver Creek Townships of Burke County.

District 48 shall elect three Representatives and shall consist of Cleveland, Polk, and Rutherford Counties.

District 49 shall elect one Representative and shall consist of McDowell and Yancey Counties.

District 50 shall elect one Representative and shall consist of Blue Ridge, Clear Creek, Edneyville, Green River, Hendersonville, and Mills River Townships of Henderson County.

District 51 shall elect four Representatives and shall consist of Buncombe and Transylvania Counties; and Crab Creek and Hoopers Creek Townships of Henderson County.

District 52 shall elect two Representatives and shall consist of Haywood, Jackson, Madison, and Swain Counties; and Stecoah and Yellow Creek Townships of Graham County.

District 53 shall elect one Representative and shall consist of Cherokee, Clay, and Macon Counties; and Cheoah Township of Graham County.

(b) The names and boundaries of townships specified in this section are as they were legally defined and in effect as of January 1, 1980, and recognized in the 1980 U.S. Census.

(c) For Guilford and Cumberland Counties, precinct boundaries are as shown on the maps on file with the State Board of Elections on January 1, 1982, in accordance with G.S. 163-128(b).

If any changes in precinct boundaries are made, the areas on the map shall still remain in the same House District."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1982.

S. B. 1

CHAPTER 5

AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-1, as amended by Chapter 821 of the 1981 Session Laws, is rewritten to read:

"§ 120-1. *Senators.*—(a) For the purpose of nominating and electing members of the Senate in 1982 and every two years thereafter, senatorial districts are established and seats in the Senate are apportioned among those districts as follows:

District 2 elects one Senator and consists of Bertie, Chowan, Gates, Hertford, Northampton, Perquimans, Tyrrell and Washington Counties.

District 1 elects one Senator and consists of Beaufort, Camden, Currituck, Dare, Hyde, Pamlico and Pasquotank Counties.

District 3 elects one Senator and consists of Carteret and Craven Counties.

District 4 elects one Senator and consists of Onslow County.

District 5 elects one Senator and consists of Duplin, Jones and Lenoir Counties and Columbia and Union Townships in Pender County.

District 6 elects one Senator and consists of Edgecombe and Halifax Counties and the following townships of Warren County: Hawtree, River, Roanoke, and Sixpound.

District 7 elects one Senator and consists of New Hanover County and the following townships of Pender County: Burgaw, Canetuck, Caswell, Grady, Holly, Long Creek, Rocky Point and Topsail.

District 8 elects one Senator and consists of Greene and Wayne Counties.

District 9 elects one Senator and consists of Martin and Pitt Counties.

District 10 elects one Senator and consists of Wilson County; and the following townships of Nash County: Coopers, Jackson, Mannings, Nashville, North Whitakers, Oak Level, Red Oak, Rocky Mount, South Whitakers and Stony Creek.

District 11 elects one Senator and consists of Franklin and Vance Counties; the following townships in Nash County: Baileys, Castalia, Dry Wells, Ferrells, Griffins; the following townships in Wake County: Bartons Creek, Leesville, Little River, New Light, and Wake Forest; and the following townships in Warren County: Fishing Creek, Fork, Judkins, Nutbush, Sandy Creek, Shocco, Smith Creek, and Warrenton.

District 12 elects two Senators and consists of the following townships of Cumberland County: Black River, Carvers Creek, Cedar Creek, Cross Creek, Eastover, Gray's Creek, Manchester, Pearces Mill, Rockfish and Seventy-First.

District 13 elects two Senators and consists of Durham, Granville and Person Counties and the following townships of Orange County: Cedar Grove, Eno and Little River.

District 14 elects three Senators and consists of Harnett and Lee Counties and the following Townships of Wake County: Buckhorn, Cary, Cedar Fork, Holly Springs, House Creek, Marks Creek, Meredith, Middle Creek, Neuse, Panther Branch, Raleigh, St. Mary's, St. Matthew's, Swift Creek, and White Oak.

District 15 elects one Senator and consists of Johnston and Sampson Counties.

District 16 elects two Senators and consists of Chatham, Moore and Randolph Counties and the following townships of Orange County: Bingham, Chapel Hill, Cheeks and Hillsborough.

District 17 elects two Senators and consists of Anson, Montgomery, Richmond, Scotland, Stanly and Union Counties.

District 18 elects one Senator and consists of Bladen, Brunswick and Columbus Counties and the Beaver Dam Township of Cumberland County.

District 19 elects one Senator and consists of the following townships of Forsyth County: Belews Creek and Kernersville; and consists of the following townships and precincts of Guilford County: Bruce Township, Center Grove Township, Clay Township, Fentress Township, Friendship Precinct I, Greene Township, Madison Township, Monroe Township, Greensboro Precincts 10, 20, 21, 27, 28, 32, 34, and 35, and Oak Ridge Township, Rock Creek Township, and Washington Township.

District 20 elects two Senators and consists of the following townships of Forsyth County: Abbotts Creek, Bethania, Broadbay, Clemmonsville, Lewisville, Middle Fork, Old Richmond, Old Town, Salem Chapel, South Fork, Vienna and Winston Townships.

District 21 elects one Senator and consists of Alamance and Caswell Counties.

District 22 elects four Senators and consists of Cabarrus and Mecklenburg Counties.

District 23 elects two Senators and consists of Davidson, Davie and Rowan Counties.

District 24 elects two Senators and consists of Alleghany, Ashe, Rockingham, Stokes, Surry and Watauga Counties.

District 25 elects three Senators and consists of Cleveland, Gaston, Lincoln and Rutherford Counties.

District 26 elects two Senators and consists of Alexander, Catawba, Iredell and Yadkin Counties.

District 27 elects two Senators and consists of Avery, Burke, Caldwell, Mitchell and Wilkes Counties.

District 28 elects two Senators and consists of Buncombe, McDowell, Madison and Yancey Counties.

District 29 elects two Senators and consists of Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Polk, Swain and Transylvania Counties.

District 30 elects one Senator and consists of Hoke and Robeson Counties.

District 31 elects one Senator and consists of the following townships and precincts of Guilford County: Jefferson Township, Greensboro Precincts 3, 4, 5, 6, 7, 8, 9, 11, 19, 25, 29, and 30, High Point Precincts 3, 5, 6, 7, 11, 12, and 19, Jamestown Precincts 1, 2, and 3, Sumner Township, and Block 921 of Census Tract 166 in High Point Township.

District 32 elects one Senator and consists of the following townships and precincts in Guilford County: Deep River Township, Friendship Precinct II, Greensboro Precincts 1, 2, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 31, 33 and 36, and High Point Precincts 1, 2, 4, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20 and 21, but it does not include Block 921 of Census Tract 166 in High Point Township.

(b) The names and boundaries of townships specified in this section are as they were legally defined and in effect as of January 1, 1980, and recognized in the 1980 census.

(c) For Guilford County, precinct boundaries are as shown on the maps on file with the State Board of Elections on January 1, 1982, in accordance with G.S. 163-128(b)."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1982.

H. B. 7

CHAPTER 6

AN ACT TO AMEND CHAPTER 160 OF THE PRIVATE LAWS OF 1891 IN REGARD TO THE CHARTER OF THE TOWN OF HOBGOOD, HALIFAX COUNTY, NORTH CAROLINA, TO PROVIDE FOR THE ELECTION OF THE TOWN BOARD OF COMMISSIONERS AND TO VALIDATE THE ELECTION OF THE BOARDS ELECTED IN 1981 AND PRIOR YEARS.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of the Charter of the Town of Hobgood entitled "Officers", as amended by Chapter 137, of the Private Laws of 1903, is hereby rewritten to read as follows:

"Sec. 3. Beginning with the municipal election to be held in the Town of Hobgood in 1983, there shall be elected a mayor and a board of commissioners consisting of five members, who shall be elected from the town at large and for a term of two years, and until their successors are elected and qualified. The election shall be nonpartisan and decided by simple plurality as provided in G.S. 163-279, and shall be held and conducted in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes, and shall be conducted by the county board of elections."

Sec. 2. The governing board of the Town of Hobgood shall consist of a mayor and a board of commissioners consisting of five members, and the General Assembly does hereby declare valid in all respects the municipal elections held in the Town of Hobgood in 1981 and prior years.

Sec. 3. Any provisions of the Charter of the Town of Hobgood in conflict with this act are hereby repealed.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1982.

S. B. 2

CHAPTER 7

AN ACT TO DIVIDE NORTH CAROLINA INTO ELEVEN CONGRESSIONAL DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-201, as amended by Chapter 894 of the 1981 Session Laws, is rewritten to read:

“§ 163-201. *Congressional districts specified.*—(a) For the purpose of nominating and electing members of the House of Representatives of the Congress of the United States in 1982 and every two years thereafter, the State of North Carolina shall be divided into 11 districts as follows:

FIRST DISTRICT: Beaufort, Bertie, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Greene, Hertford, Hyde, Lenoir, Martin, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington Counties.

SECOND DISTRICT: Caswell, Durham, Edgecombe, Granville, Halifax, Nash, Person, Vance, Warren, and Wilson Counties; and the O'Neals Township in Johnston County.

THIRD DISTRICT: Bladen, Duplin, Harnett, Jones, Lee, Onslow, Pender, Sampson, and Wayne Counties; the following townships of Johnston County: Banner, Bentonsville, Beulah, Boon Hill, Clayton, Cleveland, Elevation, Ingrams, Meadow, Micro, Pine Level, Pleasant Grove, Selma, Smithfield, Wilders, and Wilson Mills; and the following townships of Moore County: 1 (Carthage), 4 (Ritters), 5 (Deep River), 6 (Greenwood), and 10 (Little River).

FOURTH DISTRICT: Chatham, Franklin, Orange, Randolph, and Wake Counties.

FIFTH DISTRICT: Alexander, Alleghany, Ashe, Forsyth, Rockingham, Stokes, Surry, and Wilkes Counties.

SIXTH DISTRICT: Alamance, Davidson, and Guilford Counties.

SEVENTH DISTRICT: Brunswick, Columbus, Cumberland, New Hanover, and Robeson Counties.

EIGHTH DISTRICT: Anson, Cabarrus, Davie, Hoke, Montgomery, Richmond, Rowan, Scotland, Stanly, and Union Counties; and the following townships of Moore County: 2 (Bensalem), 3 (Sheffields), 7 (McNeills), 8 (Sand Hill), and 9 (Mineral Springs); and the following townships of Yadkin County: Boonville, East Bend, Fall Creek, Forbush, Knobs, and Liberty.

NINTH DISTRICT: Iredell, Lincoln, and Mecklenburg Counties; and the following townships of Yadkin County: Buck Shoal and Deep Creek.

TENTH DISTRICT: Burke, Caldwell, Catawba, Cleveland, Gaston, and Watauga Counties; and the following townships of Avery County: Banner Elk, Beech Mountain, Cranberry, Linville, and Wilsons Creek.

ELEVENTH DISTRICT: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties; and the following townships of Avery County: Altamont, Roaring Creek, and Toe River.

(b) The name and boundaries of townships specified in this section are as they were legally defined and in effect as of January 1, 1980, and recognized in the 1980 United States Census.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1982.

Resolutions—1981

H. R. 6

RESOLUTION 1

A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF
THE 1982 EXTRA SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The House of Representatives and the Senate, constituting the 1982 Extra Session of the General Assembly, do adjourn sine die on Thursday, February 11, 1982, at 10:00 a.m.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1982.

SECOND EXTRA SESSION 1982

H. B. 1

CHAPTER 1

AN ACT TO APPORTION THE DISTRICTS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-2, as rewritten by Chapter 4, Extra Session Laws of 1982, is amended by rewriting Districts 17 and 18 to read:

“District 17 shall elect two Representatives and shall consist of Block 901 and Enumeration District 534 of Census Tract 34 in Manchester Township, Block 901 and Enumeration District 535 of Census Tract 34 in Seventy-First Township, Block 901 of Census Tract 34 in Carver’s Creek Township, Cross Creek Precincts 1, 3, 5, 9, 13, 16, 17, and 19, Spring Lake Precinct, Morganton Road 1 Precinct, Beaver Lake Precinct, Westarea Precinct, and that part of Census Tract 33.02 in Precinct Seventy-First 1. Any part of Cross Creek Township which may be entirely surrounded by Morganton Road 1 Precinct shall also be in the District. Block 304 of Census Tract 26 of Cross Creek Township is not in the District.

District 18 shall elect three Representatives and shall consist of the remainder of Cumberland County not included in District 17.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1982.

S. B. 1

CHAPTER 2

AN ACT TO AMEND CHAPTER 5 OF THE SESSION LAWS (FIRST EXTRA SESSION, 1982) REDISTRICTING THE NORTH CAROLINA SENATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-1(a) as contained in Section 1 of Chapter 5 of the Session Laws (Extra Session, 1982) is amended by:

(a) deleting the following language:

“District 2 elects one Senator and consists of Bertie, Chowan, Gates, Hertford, Northampton, Perquimans, Tyrrell and Washington Counties.

District 1 elects one Senator and consists of Beaufort, Camden, Currituck, Dare, Hyde, Pamlico and Pasquotank Counties.

District 3 elects one Senator and consists of Carteret and Craven Counties.” and inserting in lieu thereof:

“District 1 elects one Senator and consists of Camden, Currituck, Dare, Hyde, Pasquotank, Perquimans and Tyrrell Counties; the following townships

of Beaufort County: Bath, Long Acre, Pantego, Richland, and Washington; and the following townships of Washington County: Scuppernong and Skinnersville.

District 2 elects one Senator and consists of Bertie, Chowan, Gates, Hertford, and Northampton Counties; the following townships of Edgecombe County: 3 (Upper Conetoe), and 4 (Deep Creek); the following townships of Halifax County: Conoconnara, Halifax, Palmyra, Roseneath, and Scotland Neck; the following townships of Martin County: Goose Nest, Hamilton and Robersonville; and the Lees Mills and Plymouth Townships of Washington County.

District 3 elects one Senator and consists of Carteret, Craven and Pamlico Counties.”;

(b) deleting the following:

“District 6 elects one Senator and consists of Edgecombe and Halifax Counties and the following townships of Warren County: Hawtree, River, Roanoke, and Sixpound.”

and inserting in lieu thereof:

“District 6 elects one Senator and consists of Warren County; the following townships of Edgecombe County: 1 (Tarboro), 2 (Lower Conetoe), 5 (Lower Fishing Creek), 6 (Upper Fishing Creek), 7 (Swift Creek), 8 (Sparta), 9 (Otter Creek), 10 (Lower Town Creek), 11 (Walnut Creek), 12 (Rocky Mount), 13 (Cokey), 14 (Upper Town Creek); and the following townships of Halifax County: Brinkleyville, Butterwood, Enfield, Faucett, Littleton, Roanoke Rapids, and Weldon.”;

(c) deleting the following:

“District 9 elects one Senator and consists of Martin and Pitt Counties.” and inserting in lieu thereof:

“District 9 elects one Senator and consists of Pitt County; the Chocowinity township of Beaufort County; and the following townships of Martin County: Beargrass, Cross Roads, Griffins, Jamesville, Poplar Point, Williams, and Williamston.”;

(d) deleting the following:

“District 10 elects one Senator and consists of Wilson County; and the following townships of Nash County: Coopers, Jackson, Mannings, Nashville, North Whitakers, Oak Level, Red Oak, Rocky Mount, South Whitakers and Stony Creek.”

and inserting in lieu thereof:

“District 10 elects one Senator and consists of Wilson County; and the following townships of Nash County: Coopers, Jackson, Nashville, North Whitakers, Oak Level, Red Oak, Rocky Mount, South Whitakers and Stony Creek.”; and

(e) deleting the following:

“District 11 elects one Senator and consists of Franklin and Vance Counties; the following townships in Nash County: Baileys, Castalia, Dry Wells, Ferrells, Griffins; the following townships in Wake County: Bartons Creek, Leesville, Little River, New Light, and Wake Forest; and the following townships in Warren County: Fishing Creek, Fork, Judkins, Nutbush, Sandy Creek, Shocco, Smith Creek, and Warrenton.”;

and inserting in lieu thereof:

“District 11 elects one Senator and consists of Franklin and Vance Counties; the following townships in Nash County: Baileys, Castalia, Dry Wells, Ferrells,

Griffins, and Mannings; and the following townships in Wake County: Bartons Creek, Leesville, Little River, New Light, and Wake Forest.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1982.

H. B. 2

CHAPTER 3

AN ACT OF LIMITED DURATION TO SCHEDULE THE PRIMARY ELECTIONS IN 1982 ONLY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the primary election schedule, pursuant to G.S. 163-1(b), to be conducted in North Carolina in 1982 only, shall be postponed and conducted on Thursday, June 10, 1982, with a second primary, if necessary, to be conducted on Thursday, July 8, 1982, consistent with the schedule hereinafter prescribed.

Sec. 2. The primary elections in 1982 for all offices scheduled to be nominated in North Carolina shall be ordered by the State Board of Elections and all county boards of elections in accordance with the primary election dates specified in Section 1 herein and in accordance with the attendant dates set forth below:

Friday, April 30, 1982	-	At 12:00 noon candidates for U.S. House of Representatives, State Senate and State House of Representatives may commence filing for office.
Friday, May 7, 1982	-	At 12:00 noon the filing period for candidates for U.S. House of Representatives, State Senate and State House of Representatives shall expire.

Each county board of elections shall publish notice of the date of the primary election and other elections to be held on that date as well as the opening and closing dates for filing for the offices of U.S. House of Representatives, State Senate and State House of Representatives as quickly as possible following the ratification of this act. This act does not reopen the filing period for any other office.

Sec. 3. The registration books for persons to be eligible to vote in the primary election shall be closed on May 17, 1982.

Sec. 4. The State Board of Elections is hereby authorized, consistent with provisions in G.S. 163-188, to set the dates on which it shall conduct the canvass and issue its certification of the results of the 1982 primary elections.

Sec. 5. The county boards of elections shall conduct the canvass of the results of the 1982 primary elections at 11:00 a.m. on the Saturday following the Thursday on which the first and second primaries are conducted and are

hereby authorized to utilize the necessary county government facilities and accommodations in order to complete said responsibilities.

Sec. 6. The State Board of Elections shall prepare and distribute to the county boards of elections a Revised Primary Election Timetable 1982, setting out the applicable filing period for candidates for U.S. House of Representatives, State Senate and State House of Representatives along with all other pertinent dates relative to the primary election timetable as required by provisions specified in this act. Each county board of elections shall make a copy of the timetable available to the news media.

Sec. 7. The State Board of Elections shall implement the provisions of this act and shall be authorized to assign responsibilities attendant thereto pursuant to provisions contained in G.S. 163-26 and G.S. 163-27.

Sec. 8. Applications for absentee ballots shall be received consistent with the schedule specified in G.S. 163-109(b), G.S. 163-227.2(b) and G.S. 163-227, and absentee ballots for all offices except North Carolina State Senate and North Carolina State House of Representatives shall be issued promptly consistent with statutory requirements. The State Board of Elections shall instruct all county boards of elections to the end that all requirements contained in this act are adhered to.

Sec. 9. Absentee ballots are authorized for the office of U.S. House of Representatives and shall be issued as quickly as the ballots can be made available. The requirement that absentee ballots shall be available for voting at least 60 days prior to the date of the primary shall not apply with regard to the 1982 primary elections only. The State Board of Elections shall instruct the county boards of elections on the procedure to follow to ensure expeditious supplemental issuance by mail to each voter who previously was issued absentee ballots, as promptly as possible after the ballots for U.S. House of Representatives are available if those ballots are not yet available when the voter applies. No additional application shall be required from any voter whose application was approved and to whom all other ballots available were previously mailed or otherwise issued.

Sec. 10. Absentee ballots shall be authorized for the offices of North Carolina State Senate and North Carolina House of Representatives for the 1982 primary, and for the first primary shall be issued supplementally to all persons who were previously issued ballots as soon as the ballots for those offices are prepared.

Sec. 11. No person shall be permitted to file as a candidate in the primary for U.S. House of Representatives, North Carolina State Senate or North Carolina House of Representatives who has changed his political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-74(b) unless such person shall have affiliated with the political party in which he seeks to be a candidate for at least three months prior to the filing deadline specified in G.S. 163-106(c) as was applicable to all candidates for State and district judicial offices and all county offices which filing period expired at 12:00 noon on February 1, 1982.

Sec. 12. Whenever in accordance with the provisions of any local or general law a primary or election for a board of education or other office is to be held on the date of the primary election, or it is set to be on the Tuesday after the first Monday in May in 1982, it shall be held on the date provided in

Section 1 of this act, and any election or runoff scheduled for four weeks later shall be held on the date specified in Section 1 for the second primary.

Sec. 13. Whenever in any apportionment plan for the U.S. House of Representatives, North Carolina Senate or North Carolina House of Representatives, a precinct is placed in two or more districts, and there is a primary, then the county board of elections, with the approval of the State Board of Elections may, for the 1982 primary election:

(1) Divide the precinct into two or more precincts.

(2) Change precinct lines to place part of the precinct with a precinct which has the same election district.

(3) Keep the same precinct but ascertain either in advance or on the date of the primary which district the voter resides in, and if a primary is being held in that district, give the voter the ballots for the appropriate district. This may be accomplished by a paper ballot for the office even if a machine is used for other offices or other voters.

(4) Provide some other procedure to ensure that each voter does not cast ballots in more than one district.

In adopting a procedure under this section, the Board shall attempt to use the method which is least disruptive to the voter, and any action to change precinct lines shall be taken in accordance with G.S. 163-28 except that notice shall be given not less than 15 days prior to the primary election instead of 20 days prior to the close of registration.

Sec. 14. In case the area in any military reservation has been placed in several precincts without definite lines having been drawn, the county board of elections may provide for the entire military reservation to be in one election precinct, irrespective of township lines in accordance with Section 13 of this act, or it may use an alternative stated in Section 13 of this act. Any action under this section must be approved by the State Board of Elections.

Sec. 15. In the case of a district executive committee under G.S. 163-114 to fill vacancies among party nominees occurring after nomination and before election, in cases where part of the county is in a U.S. House, North Carolina Senate, or North Carolina House district with all or part of another county, a county political party, in choosing members, shall allow only delegates from precincts within the district to vote in electing the members of the district executive committee. In a case where a district constitutes part of a county standing alone, and the county executive committee is to vote to fill the nomination, only members of the committee who reside within the district may vote. Rules for voting shall be prescribed by the State party chairman unless the State party provides otherwise.

Sec. 16. For the 1982 primary election only, G.S. 163-112 shall be applied by substituting "10 days" for "30 days" wherever it appears, insofar as the offices of U.S. House of Representatives, North Carolina Senate, or North Carolina House are concerned.

Sec. 17. In the event of any delay in the conduct of the primary election in 1982 for the offices of State Senate or State House of Representatives by order of any court of competent jurisdiction or because either or both plans of apportionment have not been approved under the Voting Rights Act, then the primary for North Carolina House or North Carolina Senate, as appropriate, shall not be held on June 10, 1982, but shall be held on a date ordered by the General Assembly or by a court of competent jurisdiction. A delay in the

primary for one house does not automatically delay the primary for the other house.

Sec. 18. The provisions of this act shall be temporary and shall apply only to the 1982 primary elections conducted in North Carolina and its provisions shall expire on September 1, 1982; however, its provisions shall temporarily suspend all requirements in law to the contrary until the date of expiration.

Sec. 19. A copy of this act shall be mailed to each county board of elections by the Legislative Services Office immediately upon ratification.

Sec. 19.1. G.S. 163-22.2 is amended by rewriting the first two lines to read:

“In the event any portion of Chapter 163 of the General Statutes or any State election law or form of election of any county board of commissioners is held unconstitutional or invalid by a State or Federal Court or is unenforceable because of objection interposed by the United States Justice Department under the Voting Rights Act and such ruling”.

Sec. 19.2. In the case of any local election to be held under G.S. 163-287 or G.S. 159-61 on June 10, 1982, first notice shall be published at least seven days before registration books are to close, rather than 20 days or 14 days, respectively. The registration books for all elections to be held on June 10, 1982, shall close on May 17, 1982.

Sec. 19.3. Notwithstanding anything in Article 20 of Chapter 163 of the General Statutes, the deadline for issuance of absentee ballot applications and for one-stop absentee voting shall be Monday, June 7, 1982, for the first primary, and Tuesday, July 6, 1982, for the second primary.

Sec. 20. Section 3 of Chapter 1130, Session Laws of 1981, and Chapter 3 of Extra Session Laws of 1982, First Extra Session, in its entirety, are repealed.

Sec. 21. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1982.

Resolutions—1981

H. R. 4

RESOLUTION 1

A JOINT RESOLUTION PROVIDING FOR THE RECONVENING OF THE 1981 REGULAR SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. Notwithstanding Section 2 of Resolution 66, Session Laws of 1981, if the primary election for either North Carolina House of Representatives or North Carolina Senate is held on June 10, 1982, the Senate and House of Representatives shall reconvene at noon on Monday, June 14, 1982, rather than on Wednesday, June 2, 1982. In that case, the deadline for introduction of local bills under Section 2(4) shall be at 3:00 p.m. Friday, June 18, 1982.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1982.

H. R. 6

RESOLUTION 2

A JOINT RESOLUTION CONCERNING POSSIBLE COURT ACTION CONCERNING REDISTRICTING.

Whereas, the Department of Justice has promised expedited review of new apportionment plans;

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. If the Justice Department does not approve the apportionment plans for the N. C. Senate and N. C. House and the election machinery bill within a time to be set by the mutual agreement of the Speaker and Lieutenant Governor, the General Assembly requests that the Speaker and Lieutenant Governor ask the State Board of Elections to immediately file action in the U. S. District Court for the District of Columbia for approval of the plans and bill, and take appropriate action in the U. S. District Court for the Eastern District of North Carolina to order a primary and general election at the earliest possible time on an interim basis.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1982.

H. R. 5

RESOLUTION 3

A JOINT RESOLUTION ADJOURNING THE THIRD EXTRA SESSION OF THE 1981 GENERAL ASSEMBLY SINE DIE.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The House of Representatives and the Senate constituting the Third Extra Session of the 1981 General Assembly do adjourn the Third Extra Session of the 1981 General Assembly sine die on Tuesday, April 27, 1982, at 6:30 p.m.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1982.

REGULAR SESSION 1982

H. B. 1317 CHAPTER 1131

AN ACT TO MAKE CERTAIN ADDITIONS TO THE TERMINATION OF PARENTAL RIGHTS STATUTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-289.31 is amended by redesignating the present subsections and inserting after subsection (c) a new subsection (d) to read as follows:

“(d) Should the court issue an order terminating the parental rights of a parent, the court shall schedule a review hearing to be conducted within six months after the entry of the order terminating parental rights. The purpose of the review is to ensure that every reasonable effort is being made to provide for a permanent plan for the child which is in the best interest of the child. The clerk shall give a 15-day notice of the review to the child if 12 years of age or over, the legal custodian of the child, the foster parent, the guardian ad litem, and any other person the court may specify. If the child has been placed for adoption prior to the date scheduled for the review, written notice of said placement shall be given to the clerk to be placed in the court file and the review hearing shall be cancelled, with notice of said cancellation given by the clerk to all persons previously notified.”

Sec. 2. G.S. 7A-289.35 is added to the General Statutes to read:

“(a) In any case where parental rights have been terminated as a result of a petition brought by a county department of social services or by a licensed child placing agency, and custody of the child has been placed in the county department of social services or a licensed child placing agency, and the child has not been placed for adoption within six months from the date of the termination order or affirmation of the order by the Court of Appeals or by the Supreme Court, whichever is later, the judge shall conduct a review of the case within six months of the date the order was entered and shall conduct subsequent reviews at least every six months thereafter until the child has been placed for adoption.

(b) If, at the time of review, there is a guardian ad litem available who has previously been appointed to represent the child, the judge shall continue the appointment of this person if appropriate. If, at the time of the review, there is not a guardian ad litem available who has previously been appointed to represent the child, the judge may appoint a person to serve as guardian ad litem for the child. The court may continue the case for such time as is necessary for the guardian ad litem to become familiar with the facts of the case.

(c) At the hearing, the court may consider information from the department of social services, the licensed child placing agency, the juvenile court counselor,

the guardian ad litem, the present and previous foster parents, the child and any public or private agency which will aid in its review. The purpose of the review is to ensure that every reasonable effort is being made to provide for a permanent plan for the child which is in the best interest of the child.

(d) In each case, the court shall consider criteria which include the following:

(1) The adequacy of the plan which has been developed by the county department of social services or the licensed child placing agency to provide a permanent placement which is in the best interest of the child.

(2) Whether the child has been listed with the North Carolina Adoption Resources Exchange and the North Carolina Photo Adoption Listing Services (PALS) with the North Carolina Division of Social Services in the Department of Human Resources.

(3) The efforts that have been made by the county department of social services or the licensed child placing agency to find a permanent placement which is in the best interest of the child.

(e) The judge, after making findings of fact, shall enter an order either affirming the adequacy of the steps taken by the county department of social services or the licensed child placing agency or requiring specific additional steps which are necessary to make a reasonable effort to provide the child with a permanent placement which is in the best interest of the child. At the conclusion of the hearing, the judge shall schedule the next review hearing to be conducted within six months of the date of the first review hearing. Thereafter, the judge shall schedule a subsequent review hearing to be conducted within six months of the last review hearing conducted pursuant to this section. Notice and the conduct of the subsequent review hearings shall be governed by G.S. 7A-289.31(d) and G.S. 7A-289.35."

Sec. 3. G.S. 7A-289.29 is hereby amended in subsection (b) by deleting the first sentence and substituting the following:

"If an answer denies any material allegation of the petition, the court shall appoint a guardian ad litem for the child to represent the best interests of the child. The appointment, duties and payment of the guardian ad litem shall be the same as in G.S. 7A-586 and G.S. 7A-588."

Sec. 4. This act is effective upon ratification and applies to actions commencing on or after the effective date.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1451 CHAPTER 1132

AN ACT TO ABOLISH THE OFFICE OF CORONER IN JACKSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The office of coroner in Jackson County is abolished.

Sec. 2. Chapter 152 of the General Statutes is not applicable to Jackson County.

Sec. 3. This act shall become effective December 6, 1982, the date of expiration of the term of the current coroner in Jackson County.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1463

CHAPTER 1133

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOT SPRINGS
CONCERNING ECONOMIC DEVELOPMENT PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Hot Springs, being Chapter 210, Private Laws of 1929, is amended by adding a new section to read:

“Sec. 5.1. *Economic Development Projects.* (a) Definition. In this section, ‘economic development projects’ means a capital project as defined by the Board of Aldermen in the town’s corporate limits comprising one or more buildings or other improvements and including both public and private facilities.

(b) Authorization. If the Board of Aldermen finds that it is likely to have a significant effect on the revitalization of the town, the town may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of an economic development project or of specific facilities within such a project. The town may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract shall among other provisions, specify the following:

- (1) the property interest of both the town and the developer or developers in the project;
- (2) the responsibilities of the town and the developer or developers for construction of the project;
- (3) the responsibilities of the town and the developer or developers with respect to financing the project.

Such a contract may be entered into before the acquisition of any real property necessary to the project.

(c) Property acquisition. An economic development project may be constructed on property acquired by the developer or developers or on property directly acquired by the town by purchase.

(d) Property disposition. In connection with an economic development project, the town may lease or convey interests in property owned by it, including air rights over public facilities, by private negotiation or sale, and Article 12 of Chapter 160A of the General Statutes does not apply to such dispositions.

(e) Construction of the project. The contract between the town and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire economic development project. If so, the contract shall include such provisions as the Board of Aldermen deems sufficient to assure that the public facility or facilities included in the project meet the needs of the town and are constructed at a reasonable price. A project constructed pursuant to this paragraph is not subject to Article 8 of Chapter 143 of the General Statutes.

(f) Operation. The town may contract for the operation of any public facility or facilities included in an economic development project by a person, partnership, firm, or corporation, public or private. Such a contract shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the town.

(g) Grant funds. To assist in the financing of its share of an economic development project, the town may apply for, accept and expend grant funds from the federal or State governments.

(h) To carry out the purpose of this act, the town can exercise the power of eminent domain just as if it had appointed a redevelopment commission or had by resolution decided to assume the powers and duties of a redevelopment commission."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1464

CHAPTER 1134

AN ACT TO AMEND THE CHARTER OF THE CITY OF LINCOLNTON TO ESTABLISH THE COUNCIL-MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Lincolnton, as enacted by Chapter 341, Session Laws of 1979, is amended by rewriting Article IV to read as follows:

"ARTICLE IV.

"Organization and Administration.

"Sec. 4.1. Form of Government. The City shall operate under the Council-Manager form of government, in accordance with Part 2 of Article 7, Chapter 160A of the General Statutes.

Sec. 4.2. City Manager. The Board of Aldermen shall appoint a City Manager to act as the chief administrator of City government, and who is to be responsible to the Board of Aldermen for the proper administration of the affairs of the City. The City Manager shall serve at the pleasure of the Board of Aldermen and shall perform the duties and responsibilities set forth in Part 2, Article 7, Chapter 160A of the General Statutes, not inconsistent with this Charter, and such other duties as may be assigned by the Board of Aldermen.

Sec. 4.3. City Attorney. The Board of Aldermen shall appoint a City Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the Attorney to prosecute and defend suits against the City; to advise the Mayor, Board of Aldermen and other City officials with respect to the affairs of the City; to draft all legal documents relating to the affairs of the City; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; and to perform other duties required by law or as the Board of Aldermen may direct. The Board of Aldermen may employ other legal counsel from time to time, in addition to the City Attorney, as may be necessary to handle adequately the legal affairs of the City.

Sec. 4.4. City Clerk. The City Manager shall appoint a City Clerk to keep a journal of the proceedings of the Board, to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the Board of Aldermen may direct.

Sec. 4.5. City Tax Collector. The City Manager shall appoint a City Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the General Statutes, the provisions of this Charter and the ordinances of the City. The City Tax Collector shall diligently comply with and

enforce all the laws of North Carolina relating to the collection of taxes by municipalities.

Sec. 4.6. City Treasurer. The City Manager shall appoint a City Treasurer, or Finance Officer, to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act, and to perform such other duties as may be required by the Board.

Sec. 4.7. Consolidation of Functions. The Board of Aldermen may consolidate any two or more positions of the City Manager, City Clerk, City Tax Collector and City Treasurer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act and State law.

Sec. 4.8. Other Administrative Officers and Employees. Consistent with applicable State laws, the Board of Aldermen may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the City government in order to promote the orderly and efficient administration of the affairs of the City."

Sec. 2. This act shall become effective June 30, 1982.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1491 CHAPTER 1135

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE,
RELATING TO EMPLOYMENT OF THE HANDICAPPED.

The General Assembly of North Carolina enacts:

Section 1. Section 4.41(1) of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended by Chapter 968, Session Laws of 1973, is amended by deleting the first paragraph and substituting in lieu thereof the following: "Employment shall be based on merit without regard to race, creed, color, sex, political affiliation, age or physical defect or impairment of the applicant unless the defect or impairment prevents the applicant from performing, with reasonable accommodation, an essential function of the employment sought."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1492 CHAPTER 1136

AN ACT TO ELIMINATE THE MAXIMUM AGE REQUIREMENT FOR
EMPLOYMENT BY THE CHARLOTTE POLICE DEPARTMENT.

The General Assembly of North Carolina enacts:

Section 1. Section 4.61(2)(b) of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as rewritten by Chapter 449, Session Laws of 1979, is further amended by deleting the words "and shall not have attained their 35th birthday".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1493

CHAPTER 1137

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE,
RELATING TO THE APPOINTMENT OF SPECIAL PEACE OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. Section 7.61 of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, is amended by deleting the words, "such appointment to last for not more than one year from the date of appointment;"; and inserting in lieu thereof the words, "the length of the appointment to be at the discretion of the City Council;".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1494

CHAPTER 1138

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE,
RELATING TO THE RIGHT OF THE MAYOR PRO TEMPORE TO
VOTE.

The General Assembly of North Carolina enacts:

Section 1. Section 3.23(b) of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended by Chapter 366, Session Laws of 1981, is amended by deleting the following:

"In the absence of the mayor, the mayor pro tempore shall preside, but shall not have veto power, and shall only vote when so presiding as herein provided for the mayor", and by inserting in lieu thereof the following: "In the absence of the mayor, the mayor pro tempore shall preside and, when so presiding, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie, and shall not have veto power".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1495

CHAPTER 1139

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ESTABLISH,
OPERATE, AND MAINTAIN A PUBLIC MARKET.

The General Assembly of North Carolina enacts:

Section 1. A city is authorized to establish, own, operate, equip, and maintain a public market, and acquire such land, either inside or outside the city, as may be necessary for the establishment of a public market; and to appropriate and expend nonproperty tax funds for such purpose. In lieu of the city operating such a market, the city is further authorized to contract with any individual, corporation, nonprofit corporation, governmental body, or any other group for the purpose of operating a public market.

Sec. 2. This act shall apply to the City of Charlotte only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1496 CHAPTER 1140

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE, RELATING TO THE AWARD AND APPROVAL OF CERTAIN CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. Section 9.82 of the Charter of the City of Charlotte, being Chapter 713, Session Laws of 1965, as amended by Chapter 391, Session Laws of 1979, is amended by deleting the words and figures “ten thousand dollars (\$10,000)” where they appear and substituting in lieu thereof the words and figures “twenty thousand dollars (\$20,000)”.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1501 CHAPTER 1141

AN ACT CONCERNING LIBRARIES IN BURKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 1168, Session Laws of 1977 (Second Session 1978) is amended by deleting “14 members”, and inserting in lieu thereof “15 members”.

Sec. 2. Any governmental unit or agency in Burke County is authorized to appropriate financial support for the Burke County Public Library, Inc.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1510 CHAPTER 1142

AN ACT TO AUTHORIZE BEER ELECTIONS IN SEVEN SPRINGS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 18B-600(c)(1), the Town of Seven Springs is eligible to hold a malt beverage election.

Sec. 2. Except as inconsistent with this act, all provisions of Article 6, Chapter 18B of the General Statutes shall apply to the Town of Seven Springs.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1511

CHAPTER 1143

AN ACT TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR THE BOONVILLE TOWN BOARD OF COMMISSIONERS IN 1983 INSTEAD OF THE CURRENT TWO-YEAR TERMS, AND INCREASE THE TERM OF THE MAYOR TO FOUR YEARS IN 1985, AND TO DELETE OBSOLETE CHARTER PROVISIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 44, Private Laws of 1895, is rewritten to read:

“Sec. 4. (a) At the regular municipal election in the Town of Boonville in 1983, there shall be elected a board of town commissioners consisting of five members. The three persons receiving the highest number of votes shall be elected to four-year terms. The two persons receiving the next highest number of votes shall be elected to two-year terms. In 1985 and quadrennially thereafter, two commissioners shall be elected for four-year terms. In 1987 and quadrennially thereafter, three commissioners shall be elected for four-year terms.

(b) At the regular municipal election in 1983, a mayor shall be elected for a two-year term. In 1985 and quadrennially thereafter, a mayor shall be elected for a four-year term.

(c) Elections in the Town of Boonville shall be conducted in accordance with Chapter 163 of the General Statutes, and the results determined by the plurality method as provided in G.S. 163-292.”

Sec. 2. This act shall become effective beginning with the 1983 municipal elections. It shall not affect the current two-year terms of office of the commissioners elected in 1981.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1513

CHAPTER 1144

AN ACT TO ABOLISH THE OFFICE OF CORONER IN HARNETT COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The office of coroner in Harnett County is abolished.

Sec. 2. Chapter 152 of the General Statutes is not applicable to Harnett County.

Sec. 3. This act shall become effective December 6, 1982, the date of expiration of the term of the current coroner in Harnett County.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1520

CHAPTER 1145

AN ACT TO AUTHORIZE THE TOWN OF MANTEO TO EXERCISE CERTAIN LAND ACQUISITION AND DISPOSAL PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Manteo, Chapter 66 of the Private Laws of 1899, is hereby amended by adding a new section to read:

"Sec. 1.1. Authorization to exercise certain land acquisition and disposal procedures and development powers, and to participate in economic development projects. (a) Definition. An economic development project means an economic capital development project within a certain defined area or areas of the town as established by the board of commissioners comprising one or more lots, buildings, or other improvements and including any public or private facilities. Said project may include programs or facilities for improving downtown redevelopment, 'pocket of poverty' or other federal or State assistance programs which the board of commissioners determines to be in need of economic capital development or revitalization and which qualify for capital assistance under applicable federal or State programs.

(b) Authorization.

(1) In addition to any other authority granted by law, the Town of Manteo may accept grants, expend funds, make grants or loans, acquire property and participate in capital economic development projects which the board of commissioners determines will enhance the economic development and revitalization of the town in accordance with the authority granted herein. Such project may include both public and private lots, buildings or facilities financed in whole or in part by federal or State grants (including but not limited to urban development action grants) and may include any capital expenditures which the board of commissioners finds necessary to comply with conditions in any federal or State grant agreements and which the town council finds will complement the project and improve the public tax base and general economy of the town. Such projects may be partially financed with town funds received from federal or State sources and being granted or loaned to the private owner for said construction or renovation; in addition, other town funds from any sources may be used for acquisition, construction, leasing and operation of facilities by the town for the general public and for capital improvements to public facilities which will support and enhance the private facilities and the general economy of the town.

(2) When the board of commissioners finds that it will promote the economic development or revitalization in the town, the town may acquire, construct, and operate or participate in the acquisition, construction, ownership and operation of an economic development project or of specific buildings or facilities within such a project and may comply with any State or federal government grant requirements in connection therewith. The town may enter into binding contracts with one or more private parties or governmental units with respect to acquiring, constructing, owning or operating such a project. Such a contract may, among other provisions, specify the responsibilities of the town and the developer or developers and operators or owners of the

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project, including the financing of the project. Such a contract may be entered into before the acquisition of any real property necessary to the project by the town or the developer or other parties.

(c) Property acquisition. An economic development project may be constructed on property acquired by the developer or developers, or on property directly acquired by the town, or on property acquired by the Redevelopment Commission while exercising the powers, duties and responsibilities pursuant to G.S. 160A-505.

(d) Property disposition. In connection with an economic development project, the town may convey interests in property owned by it, including air rights over public facilities, as follows:

(1) If the property was acquired under the urban redevelopment law, the property interests may be conveyed in accordance with said law.

(2) If the property was acquired by the city directly, the town may convey property interests by any procedure set forth in its city charter or the general law or, by private negotiation or sale.

(e) Construction of the project. A contract between the town and the developer or developers may provide that the developer or developers shall be responsible for the construction of the entire economic development project. If so, the contract shall include such provisions as the board of commissioners deems sufficient to assure that any public facilities included in the project meet the needs of the town and are constructed at a reasonable price. Any funds loaned by the town pursuant to this paragraph to a private developer or developers and used by said developer or developers in the construction of a project hereunder on privately owned property, shall not be deemed to be an expenditure of public money.

(f) Operation. The town may contract for the operation of any public facility or facilities included in an economic development project by a person, partnership, firm or corporation, public or private. In addition, the town, upon consideration, may contract through lease or otherwise whereby it may operate privately constructed parking facilities to serve the general public. Such a contract shall include provisions sufficient to assure that any such facility or facilities are operated for the benefit of the citizens of the town."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1526

CHAPTER 1146

AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE KILL DEVIL HILLS TOWN BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 220, Session Laws of 1953, as rewritten by Chapter 316, Session Laws of 1979, is rewritten to read:

"Sec. 3. The officers of the Town of Kill Devil Hills are a Mayor, four commissioners, and a treasurer. The treasurer is ex-officio clerk to the board of commissioners. The Mayor shall be elected in 1983 and biennially thereafter for a two-year term. In 1983, four commissioners shall be elected. The two persons receiving the highest numbers of votes shall be elected to four-year terms. The two persons receiving the next highest numbers of votes shall be

elected to two-year terms. In 1985 and biennially thereafter, two commissioners shall be elected for four-year terms. In 1987 and biennially thereafter, two commissioners shall be elected for four-year terms. The treasurer is appointed by the town board of commissioners and serves at the pleasure of the board."

Sec. 2. Chapter 220, Session Laws of 1953, is amended by adding a new section to read:

"Sec. 3.1. Elections in the Town of Kill Devil Hills shall be held in accordance with Subchapter IX of Chapter 163 of the General Statutes."

Sec. 3. Chapter 220, Session Laws of 1953, is amended by adding a new section to read:

"Sec. 3.2. The Mayor has the right to vote on all matters before the council."

Sec. 4. Section 1 of this act is effective beginning with the 1983 town election. Section 2 of this act is effective upon ratification. Section 3 of this act shall become effective at the organizational meeting of the town board of commissioners following the 1983 election. This act shall not be construed as affecting the terms of office of the current five commissioners.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 193 CHAPTER 1147

AN ACT TO REQUIRE THE PAYMENT OF JUST COMPENSATION BY LOCAL AUTHORITIES REQUIRING THE REMOVAL OF BILLBOARDS WHICH ARE PERMITTED UNDER THE PROVISIONS OF ARTICLE 11 OF CHAPTER 136 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Article 11 of Chapter 136 of the General Statutes is hereby amended by adding a new section to read as follows:

"§ 136-131.1. *Just compensation required for the removal of billboards on federal-aid primary highways by local authorities.*—No municipality, county, local or regional zoning authority, or other political subdivision, shall, without the payment of just compensation in accordance with the provisions that are applicable to the Department of Transportation as provided in paragraphs 2, 3, and 4 of G.S. 136-131, remove or cause to be removed any outdoor advertising adjacent to a highway on the National System of Interstate and Defense Highways or a highway on the Federal-aid Primary Highway System for which there is in effect a valid permit issued by the Department of Transportation pursuant to the provisions of Article 11 of Chapter 136 of the General Statutes and regulations promulgated pursuant thereto."

Sec. 2. This act is effective upon ratification, but shall expire June 30, 1984 and shall have no force or effect after that date.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

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H. B. 1536 **CHAPTER 1148**

AN ACT TO ALLOW THE CITY OF KINSTON AND LENOIR COUNTY TO
SELL OR LEASE LAND FOR LOW-INCOME HOUSING
DEVELOPMENT WITHOUT PUBLIC SALE.

The General Assembly of North Carolina enacts:

Section 1. Lenoir County and the City of Kinston are authorized to sell or lease the real property known as "Adkin School Property" for low-income housing development purposes, and in sale or lease of such real property are exempt from restrictions and limitations required to effectuate leases or sales of real property provided for in Article 12 of Chapter 160A of the General Statutes or in the Charter of City of Kinston, as found in Chapter 92, Session Laws of 1961 as amended.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

S. B. 794 **CHAPTER 1149**

AN ACT CONCERNING BUDGET PREPARATION AND FINANCING OF
THE BUNCOMBE COUNTY BOARD OF TAX SUPERVISION.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of Chapter 802, Session Laws of 1971, is amended by striking out the words "and City Council" both times they appear.

Sec. 2. The first paragraph of Section 9 of Chapter 802, Session Laws of 1971, is rewritten to read:

"The Board shall annually prepare a budget for the office of County Tax Supervisor and the office of the County Tax Collector, pursuant to the Local Government Budget and Fiscal Control Act. The budget shall be submitted to the Board of Commissioners not later than May 1 of each year. The Board of Commissioners may make any modifications in the budget that they deem advisable. The City of Asheville shall appropriate in each fiscal year an amount equal to one and one-half percent (1 1/2%) of the taxes collected on behalf of the city, in the immediate preceding year, including penalties, interest and discoveries, and shall pay said amount to the County of Buncombe in monthly installments commencing July 1 for services provided by the Board of Tax Supervision."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

S. B. 798 CHAPTER 1150

AN ACT TO REQUIRE CONSENT OF THE ASHE COUNTY BOARD OF COMMISSIONERS BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE ASHE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 283, Session Laws of 1981, is amended by adding immediately after the word "Brunswick" the word ", Ashe".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

S. B. 806 CHAPTER 1151

AN ACT TO EMPOWER THE ASHEVILLE REGIONAL AIRPORT AUTHORITY TO APPOINT, EMPLOY, SUPERVISE AND MAINTAIN POLICE OFFICERS, GUARDS AND SECURITY PERSONNEL AND TO PROVIDE FOR THE HIRING, SUPERVISING, COMPENSATING, INSURING AND RETIRING OF SUCH PERSONNEL.

The General Assembly of North Carolina enacts:

Section 1. The Asheville Regional Airport Authority is authorized to appoint, employ, supervise and maintain police officers, guards and security personnel for the purpose of providing police protection, security and law enforcement on its premises in Buncombe County, North Carolina, and to empower such personnel to act as peace officers and law enforcement officers and to have all powers now exercised by police officers in the City of Asheville, North Carolina upon and with respect to said premises and to provide for the hiring, supervising, compensating, insuring and retiring of such personnel.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

S. B. 809 CHAPTER 1152

AN ACT REGARDING APPOINTMENT OF THE MEMBERS OF THE CATAWBA COUNTY ABC BOARD.

The General Assembly of North Carolina enacts:

Section 1. Chapter 41 of the 1975 Session Laws is amended by rewriting Section 1 of that act to read:

"Section 1. The Catawba County ABC Board shall consist of a chairman and four members. These members shall be appointed as provided by state law and shall serve three-year terms."

Sec. 2. All appointments of Catawba County ABC Board members occurring on and after the effective date of this act shall be governed by G.S. 18B-700(c).

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. B. 1267

CHAPTER 1153

AN ACT TO AMEND G.S. 65-53 TO PROVIDE THAT COMPENSATION FOR THE ADMINISTRATOR AND ALL OTHER PERSONNEL OF THE CEMETERY COMMISSION SHALL BE SUBJECT TO THE PROVISIONS OF THE STATE PERSONNEL SYSTEM ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 65-53(1), as the same appears in the 1979 Cumulative Supplement to 1975 Replacement Volume 2C of the General Statutes, is hereby amended by deletion of the second sentence in its entirety, substituting in lieu thereof a new sentence, to read as follows:

"The compensation of the administrator and such other personnel as is necessary to operate the Commission is subject to the provisions of Chapter 126 of the General Statutes of North Carolina."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1982.

H. B. 1309

CHAPTER 1154

AN ACT TO ALLOW UNION COUNTY TO DELEGATE THE AUTHORITY TO MAKE CERTAIN RELEASES AND REFUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-381 is amended by adding a new section to read:

"(b1) The governing body of the taxing unit may, by ordinance, delegate to any officer or employee of the county the power to approve or reject any release or refund where the amount claimed is less than one hundred dollars (\$100.00). In such case, the officer or employee shall report any action to the governing body and the report shall be recorded in the minutes of the governing body."

Sec. 2. This act applies to Union County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1982.

H. B. 1498

CHAPTER 1155

AN ACT TO AUTHORIZE WILDLIFE ENFORCEMENT OFFICERS TO ENFORCE THE LITTERING LAW IN CERTAIN CASES IN AVERY COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Wildlife Enforcement Officers are authorized to enforce the provisions of G.S. 14-399 when littering takes place on any inland streams or their banks or any public lakes or their banks or on any gamelands under the jurisdiction of the Wildlife Resources Commission.

Sec. 2. This act applies only to Avery, Caldwell, Burke, Wilkes, and Mitchell Counties.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1982.

S. B. 805 CHAPTER 1156

AN ACT TO ANNEX A PORTION OF THE RIGHT-OF-WAY OF N.C. HIGHWAY 41 TO THE TOWN OF FAIRMONT.

The General Assembly of North Carolina enacts:

Section 1. The corporate limits of the town of Fairmont are hereby enlarged by annexation of the following area:

“BEGINNING at a point where the eastern right-of-way of North Carolina Highway 41 intersects the existing town limits, then in a generally northerly direction following the right-of-way of North Carolina Highway 41, approximately 1892 feet to a point 50 feet beyond the northern right-of-way of State Road 2300, thence perpendicular to that line in a generally westerly direction 60 feet to the western right-of-way of North Carolina Highway 41, thence in a southerly direction 1892 feet following the western right-of-way of North Carolina Highway 41 to the existing city limits, thence along the existing city limit lines easterly fifty feet to the place of BEGINNING.”

Sec. 2. This act shall become effective June 30, 1982.

In the General Assembly read three times and ratified, this the 14th day of June, 1982.

S. B. 818 CHAPTER 1157

AN ACT TO ALLOW ABSENTEE VOTING IN MORGANTON CITY ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Morganton, being Chapter 180, Session Laws of 1975, is amended by adding a new section to read:

“Sec. 3.17. *Absentee Voting.* Absentee voting shall be allowed in the City of Morganton if city elections are conducted by a municipal board of elections, and any, references in G.S. 163-302 that refer to the county board of elections shall, for the City of Morganton, refer to the municipal board of elections if city elections are conducted by a municipal board of elections. If absentee voting is allowed in a Morganton city election or referendum on the same date as an election or referendum with absentee voting is being conducted by the Burke County Board of Elections in which voters in the City of Morganton are eligible to vote in that election, then all absentee voting shall be conducted by the County Board of Elections. The State Board of Elections may adopt rules to regulate this section.”

Sec. 2. This act shall become effective with respect to all elections held on or after January 1, 1983.

In the General Assembly read three times and ratified, this the 14th day of June, 1982.

S. B. 831

CHAPTER 1158

AN ACT TO PERMIT THE APPOINTMENT OF GASTON COUNTY RESIDENTS AS MEMBERS OF THE GASTONIA AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 648 of the 1981 Session Laws is amended by rewriting Section 2(a) to read:

“(a) The Airport Authority shall consist of not less than five nor more than nine members, each of whom shall be a resident of Gaston County. No member of the Gastonia Airport Authority shall be an employee of said Authority.”

Sec. 2. Chapter 648 of the 1981 Session Laws is amended by rewriting Section 2(b) to read:

“(b) The City Council of the City of Gastonia shall appoint the members of said Authority to staggered terms of three years. The City Council shall fix the terms of office of each of the initial members of the Airport Authority so that proportionate numbers of the initial members are appointed for terms of three years, two years and one year. Thereafter all terms shall be for three years.”

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1982.

H. B. 1034

CHAPTER 1159

AN ACT TO PROVIDE FOR THE PERMANENT REGISTRATION AND ISSUANCE OF PERMANENT REGISTRATION PLATES FOR “RADIO EMERGENCY ASSOCIATION OF CITIZEN TEAMS” VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. The first paragraph of G.S. 20-84 is amended by inserting immediately after the words “rescue squad” the words “, or incorporated REACT (‘Radio Emergency Association of Citizen Teams’) Team”.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

H. B. 1552

CHAPTER 1160

AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF WHITE LAKE FROM THREE TO SIX MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 511, Session Laws of 1951, as rewritten by Section 1 of Chapter 339, Session Laws of 1963, and Chapter 200, Session Laws of 1967, is rewritten to read:

“Sec. 3. (a) Effective on the Monday after the special election provided by Section 6 of this act, the governing body of the Town of White Lake shall consist of a Mayor and six commissioners, to be elected by the qualified voters of the municipality. Until that date, the governing body of the Town of White Lake shall consist of a Mayor and three commissioners.

(b) The Mayor shall have the right to vote only when there are equal numbers of votes in the affirmative and in the negative.”

Sec. 2. Section 6 of Chapter 511, Session Laws of 1951, as rewritten by Section 2 of Chapter 339, Session Laws of 1963, and Section 2 of Chapter 200, Session Laws of 1967, is rewritten to read:

"Sec. 6. In order to expand the size of the Board of Commissioners from three to six, a special municipal election shall be held on Tuesday, July 27, 1982, provided that if the second primary is scheduled for another date, the special municipal election shall occur on that other date. At that election, the candidate receiving the highest number of votes shall serve until a successor is elected at the 1985 municipal election, the candidate receiving the second highest number of votes shall serve until a successor is elected at the 1985 municipal election, and the candidate receiving the third highest number of votes shall serve until a successor is elected at the 1983 municipal election.

In 1983 and quadrennially thereafter, three commissioners shall be elected for four-year terms. In 1985 and quadrennially thereafter, three commissioners shall be elected for four-year terms. In 1983 and biennially thereafter, a Mayor shall be elected for a two-year term."

Sec. 3. For the 1982 special municipal election, the provisions of Subchapter IX of Chapter 163 of the General Statutes shall apply, except that the notice of candidacy shall be filed with the Board of Elections conducting the election no earlier than 12:00 noon on Monday, June 21, 1982, and no later than 12:00 noon on Friday, July 2, 1982. Notice of the election shall be given no later than 10 days after ratification of this act.

Sec. 4. Section 7 of Chapter 511, Session Laws of 1951, as rewritten by Section 3 of Chapter 339, Session Laws of 1963, and Section 4 of Chapter 200, Session Laws of 1967, is rewritten to read:

"Sec. 7. Except as otherwise provided in this act, all municipal elections in the Town of White Lake shall be held in accordance with the provisions of Subchapter IX of Chapter 163 of the General Statutes."

Sec. 4.1. Section 3 of Chapter 1190, Session Laws of 1979 (Second Session, 1980) as amended by Chapter 11, Session Laws of 1981, is further amended by adding immediately after the words "City of Clinton" the words, "Town of Bladenboro,".

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

H. B. 1577 CHAPTER 1161

AN ACT TO MAKE TECHNICAL CORRECTIONS IN AN ACT CONCERNING THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 444, Session Laws of 1977, as amended by Section 3 of Chapter 802, Session Laws of 1981, is amended by deleting "two commissioners", and inserting in lieu thereof "three commissioners".

Sec. 2. Sections 12 through 17 of Chapter 802, Session Laws of 1981, are repealed.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

H. B. 630

CHAPTER 1162

AN ACT TO AMEND G.S. 160A-457(3) TO AUTHORIZE SPECIAL CONDITIONS TO BE IMPOSED UPON THE DISPOSITION OF PROPERTY BY THE CITY OF WILMINGTON.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-457(3) is amended by adding at the end thereof a new sentence reading as follows:

"Nothing herein shall prevent a city from requiring the property disposed of to remain owner-occupied for a period of time not to exceed two years following the sale."

Sec. 2. This act shall only apply to the City of Wilmington.

Sec. 3. This act is effective upon ratification. All sales of property conducted prior to the date of enactment of this local act that contain a special owner-occupancy condition are hereby validated, and the disposition of property containing this special owner-occupancy condition in the future shall be valid for all intents and purposes.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1313

CHAPTER 1163

AN ACT TO CORRECT A STATUTORY REFERENCE IN THE SECTION CONCERNING EXTENSION OF SHAREHOLDERS' AGREEMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 55-73(a) is amended in the next to last sentence of that subsection by deleting the citation "G.S. 55-72(d)" and substituting "G.S. 55-72(e)".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1448

CHAPTER 1164

AN ACT TO AMEND SECTION 1 OF CHAPTER 531 OF THE 1967 SESSION LAWS BY AMENDING AND REVISING ARTICLE II ENTITLED "CORPORATE BOUNDARIES AND WARDS" OF THE CHARTER OF THE TOWN OF TARBORO.

The General Assembly of North Carolina enacts:

Section 1. Article II entitled "Corporate Boundaries and Wards" of the Charter of the Town of Tarboro set forth in Section 1 of Chapter 531 of the 1967 Session Laws is rewritten to read:

"Article II. Corporate Boundaries and Wards.

"Sec. 2.1. Existing and Corporate Boundaries. The corporate boundaries of the Town of Tarboro shall be as follows until changed in accordance with law:

Beginning at an alloy monument in the southerly shoulder of U.S. Highway 64 1.1 miles, more or less, easterly from the intersection of U.S. Highway 64 and State Road 1207, said Point of Beginning being North 88° 47' 52" East (North Carolina Grid Bearing) a distance of 3311.52 feet (North Carolina Grid Distance) from the geodetic monument 'Coolmore', said monument having

North Carolina Grid Co-ordinates of North 795,006.202 and East 2,415,799.982 and said Point of Beginning also being South 88° 18' 38" West a distance of 4276.22 feet from the geodetic monument 'Radio', said monument having North Carolina Grid Co-ordinates of North 795,201.757 and East 2,423,385.129 and said Point of Beginning having North Carolina Grid Co-ordinates of North 795,075.688 and East 2,419,110.770; THENCE RUNNING FROM SAID POINT OF BEGINNING THUS DETERMINED North 00° 38' 40" East 268.99 feet to a point, cornering; thence running along a line parallel with and 200 feet northerly from the northerly right-of-way of U.S. Highway 64 North 88° 39' 07" East 3534.91 feet; thence running North 22° 51' 27" East 2158.22 feet to a point, cornering; thence running South 71° 53' 33" East 1103.45 feet to a point on the bank at non-flood level of the Tar River; thence along the southerly bank of the Tar River at non-flood level the following courses and distances: South 26° 55' 24" East 240.83 feet; South 31° 55' 35" East 247.59 feet; South 48° 43' 29" East 268.33 feet; South 70° 48' 18" East 255.78 feet; South 84° 56' 58" East 238.38 feet; South 86° 35' 59" East 254.95 feet; South 84° 45' 07" East 243.31 feet; South 88° 47' 07" East 257.10 feet; South 89° 19' 33" East 247.39 feet; South 86° 35' 59" East 254.95 feet; South 65° 49' 38" East 243.31 feet; South 68° 26' 49" East 251.79 feet; South 72° 57' 09" East 245.20 feet; South 79° 51' 49" East 250.80 feet; South 86° 35' 59" East 254.95 feet; South 86° 49' 27" East 250.05 feet; South 70° 37' 22" East 245.82 feet; South 46° 07' 19" East 246.22 feet; South 15° 02' 04" East 241.87 feet; South 16° 54' 47" West 260.19 feet; South 18° 58' 47" East 252.39 feet; South 56° 06' 38" East 243.52 feet; North 71° 41' 11" East 238.54 feet; North 33° 08' 43" East 252.98 feet; North 08° 07' 42" East 261.73 feet; North 22° 08' 30" East 231.95 feet; North 42° 15' 47" East 259.42 feet; North 54° 30' 57" East 234.31 feet; North 71° 01' 13" East 252.39 feet; North 81° 12' 42" East 250.80 feet; South 70° 31' 34" East 240.83 feet; South 47° 44' 13" East 259.42 feet; South 45° 11' 04" East 263.56 feet to a point, cornering; thence leaving the bank of the Tar River and running the following courses and distances: South 09° 04' 12" West 1147.93 feet; South 44° 19' 12" West 136.99 feet; South 74° 10' 48" East 302.98 feet; South 16° 18' 48" East 419.26 feet; South 10° 28' 48" East 304.98 feet; South 17° 43' 48" East 164.99 feet; and South 09° 28' 48" East 14.00 feet to a point in a line 200 feet northerly from and parallel with the northerly right-of-way of East Northern Boulevard (State Road 1518), cornering; thence running along a line 200 feet northerly from and parallel with the northerly right-of-way of East Northern Boulevard North 69° 01' 12" East 1479.11 feet, cornering; thence running South 22° 48' 48" East 199.09 feet to a point 1 foot northerly from the northerly right-of-way of East Northern Boulevard, which point is North 22° 48' 48" West 44.49 feet from a monument in the southerly shoulder of East Northern Boulevard (State Road 1518), and said monument having North Carolina Grid Co-ordinates North 793,745.704 and East 2,432,496.641, cornering; thence running along a line parallel to and 1 foot northerly from the northerly right-of-way of East Northern Boulevard, said line being a curve to the left having a chord bearing of North 64° 55' 22" East and a chord distance of 303.11 feet; thence continuing along a line parallel to and 1 foot northerly from the northerly right-of-way of East Northern Boulevard North 60° 04' 15" East 488.87 feet, cornering; thence running South 29° 55' 42" East 44.80 feet to an alloy monument, said monument being within the right-of-way of East Northern Boulevard (State Road 1518) and having North Carolina Grid Co-

ordinates of North 794,120.268 and East 2,433,199.959; thence running South 60° 11' 33" East 3296.01 feet to a point 50 feet northwesterly from the centerline of the Seaboard Coastline Railroad, said point having North Carolina Grid Co-ordinates of North 792,481.867 and East 2,436,059.914, cornering; thence running South 36° 19' 48" East 3816.49 feet to an alloy monument with North Carolina Grid Co-ordinates of North 789,407.235 and East 2,438,320.944; thence running South 39° 18' 41" East 778.06 feet to a point, cornering; thence running the following courses and distances: South 30° 48' 28" West 1529.80 feet; South 62° 07' 26" West 633.60 feet; South 16° 43' 51" West 508.77 feet; South 12° 41' 06" West 75.28 feet; North 64° 44' 21" East 370.37 feet; South 26° 23' 49" East 180.56 feet to a point in the southerly right-of-way of East St. James Street; thence running along the southerly right-of-way of East St. James Street South 64° 21' 53" West 250.50 feet, cornering; thence leaving the southerly right-of-way line of E. St. James Street and running South 26° 23' 49" East 128.40 feet, cornering; thence running the following courses and distances: South 61° 34' 34" West 389.61 feet; South 16° 16' 59" West 53.07 feet; South 55° 18' 13" West 43.29 feet; North 87° 04' 26" West 205.40 feet; South 61° 11' 40" West 88.67 feet; South 30° 16' 38" West 125.04 feet; South 47° 39' 22" West 61.29 feet; South 36° 52' 35" West 228.15 feet; South 41° 48' 06" West 63.61 feet; South 37° 29' 24" West 264.93 feet; South 11° 10' 33" West 119.59 feet; South 33° 55' 30" West 382.54 feet; South 17° 44' 32" West 82.92 feet; South 26° 25' 50" West 166.15 feet; South 07° 28' 40" West 71.35 feet; South 20° 10' 05" East 344.22 feet; South 18° 18' 30" East 133.49 feet; South 22° 43' 33" East 132.95 feet; South 21° 49' 44" East 70.04 feet; South 16° 40' 52" East 34.53 feet; and South 23° 03' 34" East 276.13 feet to a point in the northwesterly bank of the Tar River, cornering; thence along the non-flood level bank of the Tar River the following courses and distances: South 53° 05' 59" West 136.02 feet; South 65° 57' 58" West 270.74 feet; South 81° 17' 46" West 259.86 feet; South 82° 51' 18" West 251.10 feet; South 82° 51' 18" West 251.10 feet; South 82° 12' 50" West 240.26 feet; South 80° 01' 18" West 263.87 feet; South 66° 41' 56" West 245.46 feet; South 58° 40' 04" West 250.05 feet; South 60° 55' 47" West 248.24 feet; South 58° 26' 03" West 245.15 feet; South 58° 26' 03" West 245.15 feet; South 49° 14' 48" West 251.65 feet; South 53° 30' 11" West 261.01 feet; South 37° 28' 02" West 249.65 feet; South 27° 29' 35" West 265.38 feet; South 31° 10' 01" West 238.17 feet; South 19° 24' 34" West 245.20 feet; South 21° 03' 28" West 244.59 feet; South 16° 50' 11" West 243.00 feet; South 24° 23' 07" West 277.08 feet; to a point on the southerly side of the bridge across Tar River which is part of U.S. Highway 64 By-Pass and said point having North Carolina Grid Co-ordinates of North 780,989.027 and East 2,432,604.740, cornering; thence running along a line parallel to and 1 foot southerly from the southerly right-of-way of U.S. Highway 64 By-Pass, said line being a curve to the left with a chord bearing of North 80° 15' 43" West and a chord distance of 709.77 feet, cornering; thence running South 49° 10' 25" West 67.25 feet, cornering; thence running along a line parallel to and 1 foot southeasterly from the southeasterly right-of-way line of U.S. Highway 64 By-Pass the following chordal courses and distances: North 87° 51' 43" West 199.93 feet; South 79° 44' 07" West 190.84 feet; South 75° 23' 33" West 200.09 feet; South 72° 09' 38" West 198.01 feet to a point, thence running South 46° 01' 27" West 1134.08 feet to a point, thence running along a line parallel to and 1 foot southeasterly from the southeasterly right-of-way of U.S. Highway 258 the

following courses and distances: South 55° 56' 59" West 99.99 feet; South 21° 52' 28" West 165.99 feet; and North 73° 16' 21" West 20.25 feet; thence running along a line parallel to and 1 foot southeasterly from the southeasterly right-of-way of U.S. Highway 258 the following chordal courses and distances: South 19° 33' 38" West 160.63 feet; South 24° 15' 41" West 204.78 feet; South 29° 03' 11" West 204.72 feet; South 34° 22' 17" West 203.48 feet; South 38° 23' 37" West 200.61 feet; South 39° 04' 06" West 200.02 feet; South 39° 09' 42" West 200.03 feet; South 39° 17' 50" West 199.92 feet; South 39° 06' 03" West 199.65 feet; South 38° 55' 50" West 197.39 feet; South 36° 07' 31" West 195.89 feet; South 31° 20' 46" West 205.57 feet, cornering; thence running South 86° 17' 28" West 392.23 feet to an existing axle, which axle is North 64° 49' 26" West 264.78 feet from North Carolina Grid Monument "Thursday", said monument having North Carolina Grid Co-ordinates North 777,848.220 and East 2,482,624.473; thence running South 86° 17' 28" West 2012.03 feet to an existing axle; thence running South 88° 10' 36" West 67.95 feet to a point inside the right-of-way of Seaboard Coastline Railroad, cornering; thence running North 03° 19' 08" East 1173.80 feet to an existing iron pipe; thence running North 17° 55' 28" West 2408.62 feet to an alloy monument having North Carolina Grid Co-ordinates North 781,292.092 and East 2,425,635.788; thence running the following courses and distances: North 54° 39' 35" West 49.71 feet; North 41° 49' 45" West 199.99 feet; North 73° 14' 20" West 1164.75 feet; South 82° 47' 55" West 233.96 feet; South 80° 28' 10" West 426.46 feet and South 82° 48' 02" West 552.10 feet to an existing iron pipe; thence running South 82° 49' 11" West 200.32 feet to a point, cornering; thence running North 05° 25' 58" West 2081.51 feet and North 03° 30' 08" East 69.74 feet to an alloy monument in the intersection of Howard Avenue and Barlow Road having North Carolina Grid Co-ordinates of North 783,753.363 and East 2,422,754.608; thence running North 01° 32' 08" West 15.31 feet to an existing iron pipe in the northern right-of-way of Howard Avenue; thence running North 01° 32' 08" West 2908.45 feet to a point, cornering; thence running South 86° 33' 24" West 184.48 feet and South 86° 33' 24" West 964.67 feet to a point, cornering; thence running North 04° 18' 36" West 174.24 feet to a point, cornering; thence running South 88° 03' 24" West 1031.54 feet and North 86° 29' 36" West 1675.10 feet to a point, cornering; thence running South 05° 50' 24" West 100.99 feet to a point, cornering; thence running North 89° 39' 24" West 134.63 feet to a railroad iron and thence running the following courses and distances: North 68° 30' 59" West 369.58 feet; North 62° 24' 36" West 728.12 feet; North 77° 34' 06" West 1147.89 feet to a point, cornering; thence running North 14° 58' 55" East 88.12 feet to a point, cornering; thence running North 77° 45' 05" West 536.31 feet to a point in the centerline of State Road 1207, cornering; thence running along the centerline of State Road 1207 South 09° 19' 55" West 86.45 feet to a point, cornering; thence running North 77° 34' 06" West 12.17 feet to an alloy monument having North Carolina Grid Co-ordinates North 787,584.520 and East 2,416,030.864 and thence running North 77° 34' 06" West 217.82 feet to a point, cornering; thence running along a line parallel to and 200 feet westerly from the westerly right-of-way of State Road 1207 said line having the following chordal courses and distances: North 12° 31' 51" East 850.50 feet; North 13° 10' 23" East 713.16 feet; North 20° 24' 30" West 554.55 feet; North 27° 32' 57" West 1032.49 feet; North 36° 22' 50" West 406.35 feet; North 36° 11' 59" West 200.56 feet; North 34° 50' 44" West 205.39 feet; North 29° 13' 05" West 289.05 feet to a point,

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cornering; thence running South 85° 00' 52" East 256.88 feet to an alloy monument having North Carolina Grid Co-ordinates North 791,478.718 and East 2,415,132.276; thence running South 85° 00' 52" East 4020.71 feet to a point, cornering; thence running North 13° 55' 14" West 879.96 feet to a point, cornering; thence running North 88° 39' 07" East 149.99 feet to a point, cornering; thence running North 00° 38' 40" East 3077.79 feet to an existing axle; thence running North 00° 38' 40" East 11.16 feet to an alloy monument said monument being the POINT OF BEGINNING.

Noncontiguous Corporate Area

Commencing at a point on the southerly side of the bridge crossing Tar River and which is part of U.S. Highway 64 By-Pass and said point having North Carolina Grid Co-ordinates North 780,989.027 and East 2,432,604.740; thence running from said point South 13° 14' 28" East 744.94 feet to a point, said point being the SATELLITE POINT OF BEGINNING; thence from said satellite point of beginning along the bank of the Tar River at the non-flood level South 20° 12' 15" East 767.43 feet and South 09° 50' 33" East 593.94 feet to an existing iron pipe, cornering; thence running South 79° 31' 31" West 680.12 feet to an existing iron pipe; cornering; thence running North 11° 49' 21" East 169.34 feet and South 08° 07' 00" East 425.00 feet to an existing iron pipe, cornering; thence running North 78° 20' 00" East 166.49 feet, cornering; thence running the following courses and distances: North 08° 20' 00" West 415.97 feet; North 40° 47' 00" East 513.97 feet; and North 70° 40' 00" East 227.99 feet to the Satellite Point of Beginning.

"Sec. 2.2. Ward Boundaries. The Town shall be divided into eight (8) wards, the boundaries of which shall be determined and revised from time to time by the Town Council.

"Sec. 2.3. Effect of Alteration of Ward Boundaries on Incumbent Council Member. In the event any member of the Town Council shall be domiciled in a different ward as a result of adjustment, alteration, or revision of ward boundaries, he shall continue as a member from the ward he was elected to represent until the expiration of the term for which he was elected."

Sec. 2. All laws and clauses of laws in conflict with the revisions of this act are hereby repealed.

Sec. 3. This act shall become effective June 30, 1983.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1499 CHAPTER 1165

AN ACT REGARDING SETTING FIRES IN MARTIN, BRUNSWICK, PENDER AND COLUMBUS COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-60.23(a) is amended by deleting the words "Martin, Brunswick, Pender and Columbus".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1549 CHAPTER 1166

AN ACT TO EXTEND THE SUNSET PROVISION ON AN ACT TO
AUTHORIZE THE CITY OF RALEIGH TO EXERCISE CERTAIN LAND
ACQUISITION AND DISPOSAL PROCEDURES.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 992, Session Laws of 1981, is amended by deleting "June 30, 1982", and inserting in lieu thereof "June 30, 1983".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1550 CHAPTER 1167

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE,
RELATING TO INTEREST RATES ON LIENS.

The General Assembly of North Carolina enacts:

Section 1. Section 6.61 of the Charter of the city of Charlotte being Chapter 713, Session Laws of 1965, as amended by Chapter 414, Session Laws of 1971, is amended by deleting the following sentence: "The term 'costs' as used in this section shall include interest at the rate of six percent (6%) per annum until said lien is paid." and substituting in lieu thereof the following: "The term 'costs' as used in this section shall include interest at a rate of not less than six percent (6%) per annum until said lien is paid, nor more than twelve percent (12%) per annum until said lien is paid; the rate of interest to be determined by the city council on an annual fiscal year basis. Provided, that if the city council should fail to set a rate of interest in any fiscal year, the rate of interest in effect for the preceding fiscal year shall continue in effect."

Sec. 2. Section 6.104 of the Charter of the city of Charlotte being Chapter 713, Session Laws of 1965, as amended by Chapter 414, Session Laws of 1971, is amended by deleting the following: "The term 'costs' as used in this section shall include interest at the rate of six percent (6%) per annum until said lien is paid." and substituting in lieu thereof the following: "The term 'costs' as used in this section shall include interest at a rate of not less than six percent (6%) per annum until said lien is paid, nor more than twelve percent (12%) per annum until said lien is paid; the rate of interest to be determined by the city council on an annual fiscal year basis. Provided, that if the city council should fail to set a rate of interest in any fiscal year, the rate of interest in effect for the preceding fiscal year shall continue in effect."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

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H. B. 1553 CHAPTER 1168

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of the Charter of the City of New Bern, as found in Chapter 1281, Session Laws of 1957, is amended by adding between the word "aldermen.", and the words "All ordinances", the following new sentence, "Notwithstanding the provisions of G.S. 160A-75 an ordinance or any action having the effect of an ordinance, may be finally adopted on the date on which it is introduced by the affirmative vote of a majority of the members elected to the board of aldermen."

Sec. 2. Section 36 of the Charter of the City of New Bern is rewritten to read:

"All purchases of supplies, materials and equipment shall be made in accordance with the provisions of the General Statutes."

Sec. 3. Section 37 of the Charter of the City of New Bern is rewritten to read:

"All contracts for city improvements (construction or repair) shall be handled in accordance with the provisions of the General Statutes. Provided, however, the board of aldermen may, by the affirmative vote of a majority of the members elected to the board of aldermen, award such contract to a higher bidder if they shall, by resolution, find that the public interest will best be served by so doing."

Sec. 4. Section 42 of the Charter of the City of New Bern is amended in the sixteenth paragraph (the ninth paragraph as it appears in Chapter 1281 of the 1957 Session Laws) by deleting the words "city clerk", and inserting in lieu thereof the words "city manager or his designee".

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1567 CHAPTER 1169

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE CLERK OF THE CITY OF GRAHAM.

The General Assembly of North Carolina enacts:

Section 1. Section 4.4 of the Charter of the City of Graham, being Chapter 339, Session Laws of 1979, is rewritten to read:

"Section 4.4. *City Clerk.*—The City Manager shall appoint a City Clerk to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the Manager may direct."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1568 CHAPTER 1170

AN ACT TO ALLOW THE SURRY COUNTY BOARD OF EDUCATION TO CONVEY AT PRIVATE SALE A PARCEL OF LAND TO THE MOUNTAIN PARK VOLUNTEER FIRE DEPARTMENT.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 115C-518, the Surry County Board of Education is authorized to convey to the Mountain Park Volunteer Fire Department at private sale its right, title, and interest to a tract of real property not to exceed one acre from the tract defined as the total property described below:

"That certain piece or parcel of land lying and being in Bryan Township, Surry County, North Carolina, bounded and described as follows: Beginning at the corner of intersection of Main Street and Nixon Street (respectively the road leading from Mountain Park toward Elkin and from the intersection of the road leading to Elkin with the road leading to Route 26) North 74 deg., East 10.68 chains to an iron pin, East of the driveway; thence from the Street or road, South 15 deg., East 198 feet to a stake; thence South 62 1/2 deg., East 8 and 50/100 chains to a stake; thence South 15 deg., East 4 1/2 chains; thence South 74 deg., West 16.75 chs., to corner of Snow Street and Main Street (also called Elkin Road); thence with said Main Street or Elkin Road North 15 deg., West 13.62 chs., to the beginning, containing 18 acres, more or less."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1575 CHAPTER 1171

AN ACT TO AUTHORIZE DISCOUNTS FOR EARLY PAYMENT OF PROPERTY TAXES IN LINCOLN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-360(c)(1) is amended by deleting the word "May" in line 1 thereof and inserting in lieu thereof the words and numbers "July 15".

Sec. 2. This act shall expire on February 1, 1983.

Sec. 3. This act shall apply only to Lincoln County.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1576 CHAPTER 1172

AN ACT TO CHANGE THE DISTRICTS FOR THE PENDER COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 245, Session Laws of 1947, as amended by Sections 1 and 2 of Chapter 212, Session Laws of 1949, is amended by rewriting the section to read:

"Section 1. For the purpose of electing its county commissioners, the County of Pender is divided into five districts, as follows:

(1) District 1 shall consist of Burgaw Township.

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(2) District 2 shall consist of Topsail Township.

(3) District 3 shall consist of Grady, Long Creek, and Rocky Point Townships.

(4) District 4 shall consist of Canetuck, Caswell, and Columbia Townships.

(5) District 5 shall consist of Holly and Union Townships.”

Sec. 2. This act shall become effective beginning with the 1984 primary and election.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1579 CHAPTER 1173

AN ACT TO ALTER THE DISTRIBUTION OF PROFITS OF THE PITTSBORO ABC BOARD.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of Chapter 365 of the 1967 Session Laws, as rewritten by Chapter 82 of the 1981 Session Laws, is amended by deleting subdivisions (1), (2), (3), and (4) of that section and substituting the following:

“(1) Five percent (5%) to the General Fund of the Town of Pittsboro for law enforcement purposes.

(2) Five percent (5%) to the General Fund of Chatham County for law enforcement purposes in the county.

(3) Ninety percent (90%) to the General Fund of the Town of Pittsboro to be used as follows:

(a) Ten percent (10%) for debt retirement

(b) Ten percent (10%) for library, recreational or other similar purpose undertaken by the town; and

(c) Seventy percent (70%) for any and all purposes for which tax and nontax revenues may be expended by the town.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1580 CHAPTER 1174

AN ACT TO ESTABLISH THE LIMITS OF AUTHORITY OF THE COUNTY MANAGER.

The General Assembly of North Carolina enacts:

Section 1. The county manager of Guilford County shall have the authority, under rules and regulations adopted by the board of county commissioners, to exercise the following duties:

(1) To lease, privately or publicly, any vacant land or any building owned by the county, from month to month, or year to year, at a rental to be determined by the county manager to be the fair rental value of the property.

(2) To contract on behalf of the county as provided in this paragraph. Any contract for the purchase of apparatus, supplies, materials or equipment for the performance of services may be approved, awarded and executed by the county manager on behalf of the county provided the amount of such contract does not exceed ten thousand dollars (\$10,000) and the county commissioners shall have approved a sufficient appropriation in the annual budget for the current fiscal

year. A contract for construction or demolition of any project may be approved, awarded and executed by the county manager on behalf of the county when the amount of such contract does not exceed ten thousand dollars (\$10,000), provided that the county commissioners shall have approved a sufficient appropriation in the annual budget for the current fiscal year. Before any such contract is awarded, the county manager shall comply with all other requirements set forth in G.S. 143-129 and G.S. 143-131, and said contract shall be subject to the approval of the county attorney. Any person aggrieved by an award made pursuant to this section may appeal to the county commissioners by filing notice thereof with the clerk to the board immediately following the decision granting such award.

(3) To execute releases of persons, firms and corporations because of damages to personal property belonging to the county when the full amount of damages to such property is ascertained and a statement thereof has been furnished to the manager by the county attorney and the amount of such release does not exceed ten thousand dollars (\$10,000).

(4) To settle claims against the county for (a) Personal injury or for damage to property when the amount involved does not exceed the amount of ten thousand dollars (\$10,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (b) the taking of property for rights-of-way in connection with public improvement which the county is authorized by law to make, when the amount involved in any such settlement does not exceed the sum of ten thousand dollars (\$10,000) and does not exceed the actual loss sustained. Settlement of the claim by the county manager pursuant to this section shall constitute a complete release of the county from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be subject to approval of the county attorney.

(5) For any contract involving a construction project, the county manager is authorized, in his sound judgment and discretion, to approve change orders and extensions in such construction contract up to an amount not exceeding fifteen thousand dollars (\$15,000) for each such change order or extension. Such approval shall be valid provided that the county accountant has verified the amount of funds available and legal approval has been secured by the county attorney. In order to implement any such change order and extensions in the manner hereinabove set out, the county manager may further authorize payment and allocation of funds as necessary for the accomplishment thereof.

(6) To sell any personal property not exceeding ten thousand dollars (\$10,000) in value at the time of sale for each item of personalty so offered for sale.

(7) To lease from private or other public entities, land and/or improvements up to one year and at a rental to be negotiated by the county manager.

(8) To authorize the clerk to the board to attest the county manager's signature on any instruments as herein authorized and to place Guilford County's seal thereon.

(9) To purchase any contract of insurance on behalf of the county when the county is purchasing insurance for whatever reason the county manager deems

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appropriate in protecting county interests provided the county commissioners shall have approved a sufficient appropriation in the annual budget.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1122 CHAPTER 1175

AN ACT TO AMEND THE LOCAL GOVERNMENT FINANCE ACT TO ALLOW THE LOCAL GOVERNMENT COMMISSION TO CHARGE FEES FOR SERVICES RENDERED ON OTHER THAN GENERAL OBLIGATION BONDS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 159, Subchapter II, Article 2 of the General Statutes, is amended by adding a new section to read:

“§ 159-6. *Fees of the Commission.*—(a) The Commission may charge and collect fees for services rendered and for all expenses incurred by the Commission in connection with approving or denying an application for an issue of other than general obligation bonds or notes, participating in the sale, award or delivery of such issue or carrying out any other of its powers and duties with respect to such issue or the issuer thereof, pursuant to the laws of the State of North Carolina.

(b) The Commission shall establish rules and regulations concerning the setting and collection of such fees. In establishing the amount of or method of determining such fees, the Commission shall take into account, among other things, the scope of its statutory responsibilities and the nature and extent of its services for such issue or issuer or class thereof.

(c) Such fees collected by the Commission shall be incorporated into the budget of the State Treasurer and shall be expended for costs incurred by the Commission in carrying out its statutory responsibilities in the issuance of revenue bonds.

(d) Apart from the above fees, the Commission is authorized to receive reimbursement for all expenses incurred in the sale or issuance of general obligation bonds and notes by assessing and collecting fees.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1321 CHAPTER 1176

AN ACT TO REWRITE THE NAVIGATION ACT.

The General Assembly of North Carolina enacts:

Section 1. New sections of Chapter 76A are added to the General Statutes to read:

➤ “ARTICLE 4.

“§ 76A-400. *Morehead City Navigation and Pilotage Commission.*—In consideration of the requirement for the safe and expeditious movement of waterborne commerce on the navigable waters of the State, it is deemed necessary to establish the Morehead City Navigation and Pilotage Commission, herein called Commission. The Commission shall have the exclusive power to

license and regulate pilots familiar with the waters of Morehead City Harbor and Beaufort Bar, referred to herein as regulated area, to best guide vessels within those waters and to exercise authority over navigation in Morehead City Harbor and Beaufort Bar and to and from the sea buoy of the port.

“§ 76A-401. *Membership.*—The Commission shall consist of three voting members, all appointed by the Governor. The president of the Morehead City Pilots' Association shall serve as an ex officio nonvoting member. All of the three members appointed by the Governor, shall be from Carteret County. One additional nonvoting ex officio member shall represent the maritime interests and shall be designated by the Governor. The Governor shall designate a voting member to serve at his pleasure as chairman. With the exception of the ex officio members, licensed pilots and members of their immediate families shall not be allowed to serve on the Commission.

“§ 76A-402. *Term.*—It shall be the duty of the Governor to make initial appointments to the Commission on July 1, 1982. One of the initial appointees shall serve an initial three-year term. One shall serve an initial two-year term and one for an initial one-year term. Thereafter, all appointments shall be for a three-year term. The representatives of the maritime interest shall be appointed for a one-year initial term and three-year terms thereafter. Any vacancy in the membership appointed by the Governor shall be filled by the Governor.

“§ 76A-403. *Quorum.*—A simple majority of voting members of the Commission shall constitute a quorum and may act in all cases.

“§ 76A-404. *Duties and authority.*—(a) Rules and Regulations, Pilotage. The Commission shall make and establish such rules and regulations as necessary and desirable respecting the qualifications, arrangements and station of pilots and for the control of navigation within Morehead Harbor and from and to Beaufort Bar and the sea buoy. In the development of such rules and regulations, the Commission should request the advice of the U. S. Coast Guard, the U. S. Corps of Engineers, the Pilots' Association, other maritime interests and any other party that the Commission might deem beneficial.

(b) Examination and Licensing. The Commission may examine such persons who hold a federal pilot's license and who have complied with an apprentice course approved by the Commission as may offer themselves to be a pilot on the regulated area. The examination shall consist of, but not be limited to: a personal interview before the Commission; contact by the Commission with personal references; and a physical examination by a licensed physician based on a standard established by the Commission. Licenses shall be granted for a one-year period.

(c) License Renewal. Each license shall be renewed annually provided during the preceding year the holder thereof shall have complied with the provisions of this act and the reasonable rules and regulations as prescribed by the Commission under authority hereof. The Commission may for special considerations validate a license for less than a one-year period. Each license renewal submittal shall be accompanied with a physical examination comparable to the standards set in G.S. 76A-404(b).

(d) Fine, License Suspension and Cancellation. The Commission shall have the power to fine or call in and suspend or cancel the license of any pilot found to be derelict of duty, in violation of the reasonable rules and regulations as set out by the Commission or for other just cause. Grounds for suspension or

cancellation shall include but not be limited to: citation by the Coast Guard and/or Commission for careless or neglectful duty resulting in damage to property or personal harm; absence, neglect of duty, absence from duty for a period longer than four weeks without written submission to and written approval from the Commission Chairman; other violations of regulations or in actions found by the Commission to be unduly disruptive of the pilotage and service and/or harmful to person or property.

(e) **Pilots to Give Bond.** The Commission shall require of each pilot prior to granting his commission a bond with surety acceptable to the Commission in an amount not to exceed ten thousand dollars (\$10,000). Every bond taken of a pilot shall be filed with and preserved by the Commission in trust for every person, firm or corporation, who shall be injured by the neglect or misconduct of such pilots, and any person, firm or corporation so injured may severally bring suit for the damage by each one sustained.

(f) **Jurisdiction Over Disputes as to Pilotage or Navigation.** Disputes between pilots or over matters related to navigation in the regulated area may be voluntarily appealed by one of the pilots to the Commission for resolution or so presented to the Commission by any interested party for resolution. If a resolution is not reached or the Commission decision is unacceptable to either party, normal legal recourse is available to resolve the dispute.

"§ 76A-405. *Classes of licenses.*—The Commission shall have general authority to issue three classes of licenses:

- (1) **Limited** - a license to pilot vessels whose draft does not exceed 25 feet combined with a maximum length to be fixed by Commission rules. Limited licenses may be issued to those who pass requirements established by statute and by the Commission to entitle such person to a limited license.
- (2) **Full** - a license to pilot any vessel. Full license shall be issued to all holders of a limited license who have in the opinion of the Commission satisfactorily served at least one year under a limited license. Additionally, the Commission may issue a full license to any one who in the Commission's judgments has sufficient credentials as established under Section 76A-404(b) to perform the pilotage task associated with a full license.
- (3) **Apprentice** - a license to engage in a program, approved by the Commission, as apprentice pilot under the terms of G.S. 76A-500."

"ARTICLE 5.

"Pilots.

"§ 76A-500. *Apprentices.*—The Commission when it deems necessary for the best interest of the State is hereby authorized to appoint in its discretion apprentices, none of whom shall be less than 21 nor more than 35 years of age, and to make and enforce reasonable rules and regulations relating thereto. Apprentices shall serve for a minimum of one year but no longer than three years in order to be eligible for a limited license. The Commission shall adopt rules and regulations to monitor the progress of apprentices on a regular basis to assure the progressive development of knowledge and skill necessary to obtain a limited license. That upon application of any person already partially qualified by prior experience, the Commission may waive the 35 maximum age limit and may vary the time requirements for the time period of such apprenticeship.

“§ 76A-501. *Pilotage association.*—In consideration that a mutual association for pilots has been formed, is operational and is expedient for effective management, the Commission shall recognize such a proper pilot association formed for the smooth business transactions in the provision of services. However, the Commission may prescribe such reasonable rules and regulations for the governance of such associations in its direct relationship with the Commission as it deems necessary. Any licensed pilot refusing to become a member of such association shall be subject to suspension or have his license revoked, at the discretion of the Commission.

“§ 76A-502. *Number of pilots.*—The Commission shall govern the number of pilots necessary to maintain an efficient pilotage service. Present active pilots shall continue to serve with the Commission’s power of reduction to be effective only in the case of natural attrition except as provided in Section 76A-503. Docking masters shall not be deemed pilots for this section or any other section in this act.

“§ 76A-503. *Pilot retirement.*—The Commission shall have and is hereby given authority in its discretion and under such reasonable rules and regulations as it may prescribe to retire from active service any pilot who shall become physically or mentally unfit to perform a pilot’s duties. Provided, however, that no pilot shall be retired, except with his consent for physical or mental disability unless and until such pilots shall have first been examined by the public health officer or county physician of his respective county of residence and such public health officer or physician shall have certified to the board the fact of such physical or mental disability.

“§ 76A-504. *Compulsory use of pilots.*—Every foreign vessel and every United States vessel sailing under register, including such vessels towing or being towed when underway or docking in the regulated area, either incoming or outgoing, and over 60 gross tons, shall employ and utilize a State licensed pilot. Any master of a vessel violating this section by failing to use a State licensed pilot shall be guilty of a misdemeanor except as provided for in G.S. 76A-606 and upon conviction, the master shall be fined, imprisoned, or both within the discretion of the courts.

“§ 76A-505. *Pilotage rates.*—The Commission shall set charges for pilotage services on a published tariff basis to be reviewed and revised annually as necessary. The initial publication of rates shall be those now in effect and subsequent revisions shall be preceded by public notice at least 30 days prior to publication. The rates may be based on the method chosen by the Commission and may be varied on a geographic or other basis which the Commission deems appropriate. In establishing pilotages’ rates, the Commission shall consider, but not be limited to, factors such as vessels’ lengths, tonnage, vessels’ drafts, general design of vessels, distances for which pilotage services are to be provided, nature of waters to be traversed and the rates for comparable pilotage services in other ports.

“§ 76A-506. *Vessels not liable for pilotage.*—Any vessel, for reasons of safety, coming in from sea for harborage without assistance of a pilot, the wind and weather being such that such pilot assistance or service could not have been reasonably and safely given, shall not be liable for pilotage inward from sea.”

“ARTICLE 6.

“Commission Funds.

“§ 76A-600. *Expenses of the Commission.*—The pilots’ association shall pay to the Commission, according to rules prescribed by the Commission, a percentage of all pilotage fees not to exceed two percent (2%) per annum for the purpose of providing funds to defray the necessary expense of the Commission. The appropriate percentage shall be set on an annual basis by the Commission. The fees paid shall be deposited to a special account with the State Treasurer in the name of the Commission and shall be administered by the Secretary of Commerce. Surpluses in the account in excess of three thousand dollars (\$3,000) at the end of the fiscal year shall be returned to the pilots’ association on a prorated basis determined and distributed by the Commission. That the Commission in carrying out its duties may incur necessary legal and auditing expenses and expenses for its travel and investigations which in addition to the one hundred dollar (\$100.00) per meeting fee and other allowances allowed by law shall be paid from the foregoing funds.”

Sec. 2. Sections 59 through and including 73 of Chapter 76 of the General Statutes are hereby repealed.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1388

CHAPTER 1177

AN ACT TO EXTEND THE SAME RIGHTS AND PRIVILEGES TO THE HEARING IMPAIRED USERS OF HEARING-EAR DOGS AS EXIST FOR THE VISUALLY HANDICAPPED USERS OF GUIDE DOGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 72-7 is amended in the first sentence of the first paragraph by deleting the phrase “It shall be unlawful” and by substituting the following phrase: “Except as provided in Chapter 168 of the General Statutes, it is unlawful”.

Sec. 2. G.S. 105-147 of the General Statutes is amended by adding a new subdivision directly after subdivision (25) to read:

“(25.1) The purchase price of a hearing-ear dog designated as such by the North Carolina Council for the Hearing Impaired, actually purchased and used by a person who is hearing impaired as defined in G.S. 8B-1(2), or purchased by a parent or guardian for the use of a hearing impaired child and/or all of the cost of maintenance and upkeep of a hearing-ear dog, including veterinary expenses. The amount claimed under this subdivision shall not be allowed as a deduction under G.S. 105-147(11).”

Sec. 3. Chapter 168 of the General Statutes is amended by adding a new section directly after G.S. 168-4 to read:

“§ 168-4.1. *May be accompanied by hearing-ear dog.*—Every hearing impaired person as defined in G.S.8B-1(2) has the right to be accompanied by a hearing-ear dog, especially trained for the purpose and designated as such by the North Carolina Council for the Hearing Impaired, in any of the places listed in G.S. 168-3. Any hearing impaired person using a hearing-ear dog in any of these places is liable for any damage the dog does to the premises or facilities. The hearing impaired person qualifies for this right upon the showing of a card

issued by the North Carolina Council for the Hearing Impaired designating the holder as the user of a trained hearing-ear dog.”

Sec. 4. Chapter 168 of the General Statutes is further amended by adding a new section directly after G.S. 168-7 to read:

“§ 168-7.1. *Hearing-ear dogs.*—Every hearing impaired person as defined in G.S. 8B-1(2) who has a hearing-ear dog especially trained for the purpose and designated as such by the North Carolina Council for the Hearing Impaired, or who obtains such a hearing-ear dog, may keep the dog on premises the person leases, rents or uses. He is not required to pay extra compensation for the dog but is liable for any damages done by the dog to the premises. No person, firm or corporation shall refuse to sell, rent, lease or otherwise disallow a hearing impaired person to use any premises for the reason that the person has or will obtain a hearing-ear dog. The hearing impaired person qualifies for this right upon the showing of a card issued by the North Carolina Council for the Hearing Impaired designating the holder as the user of a trained hearing-ear dog.”

Sec. 5. Section 2 of this act is effective for taxable years beginning on or after January 1, 1982. The remaining sections of this act are effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. B. 1447 CHAPTER 1178

AN ACT TO AMEND THE EMPLOYMENT SECURITY LAW TO CONFORM WITH FEDERAL REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 96-17(c), as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended by deleting the word “Any” in the first line and substituting the words “Except as provided in subsection (d) of this section, any”.

Sec. 2. G.S. 96-17 is amended by adding a new subsection to read:

“(d)I. Definitions. For the purpose of this subsection and when used herein:

(A) ‘Unemployment Compensation’ means any compensation found by the Commission to be payable to an unemployed individual under the Employment Security Law of North Carolina (including amounts payable by the Commission pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment) provided, that nothing in this subsection shall be construed to limit the Commission’s ability to reduce or withhold benefits, otherwise payable, under authority granted elsewhere in this Chapter including but not limited to reductions for wages or earnings while unemployed and for the recovery of previous overpayments of benefits.

(B) ‘Child Support Obligation’ includes only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

(C) 'State or Local Child Support Enforcement Agency' means any agency of this State or a political subdivision thereof operating pursuant to a plan described in subparagraph (B) above.

II. (A) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether the individual owes child support obligations, as defined under subparagraph I(B) of this subsection. If any such individual discloses that he or she owes child support obligations and is determined by the Commission to be eligible for payment of unemployment compensation, the Commission shall notify the State or Local Child Support Enforcement Agency enforcing such obligation that such individual has been determined to be eligible for payment of unemployment compensation.

(B) Upon payment by the State or Local Child Support Enforcement Agency of the processing fee provided for in paragraph IV of this subsection and beginning with any payment of unemployment compensation that, except for the provisions of this subsection, would be made to the individual during the then current benefit year and more than five working days after the receipt of the processing fee by the Commission, the Commission shall deduct and withhold from any unemployment compensation otherwise payable to an individual who owes child support obligations:

1. the amount specified by the individual to the Commission to be deducted and withheld under this paragraph if neither subparagraph 2 nor subparagraph 3 of this paragraph is applicable; or
2. the amount, if any, determined pursuant to an agreement submitted to the Commission under Section 454(20)(B)(i) of the Social Security Act by the State or Local Child Support Enforcement Agency, unless subparagraph 3 of this paragraph is applicable; or
3. any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to properly served legal process, as that term is defined in Section 462(e) of the Social Security Act.

(C) Any amount deducted and withheld under paragraph (B) of this subdivision shall be paid by the Employment Security Commission to the appropriate State or Local Child Support Enforcement Agency.

(D) The Department of Human Resources and the Commission are hereby authorized to enter into one or more agreements which may provide for the payment to the Commission of the processing fees referred to in subparagraph (B) and the payment to the Department of Human Resources of unemployment compensation benefits withheld, referred to in subparagraph (C), on an open account basis. Where such an agreement has been entered into, the processing fee shall be deemed to have been made and received (for the purposes of fixing the date on which the Commission will begin withholding unemployment compensation benefits) on the date a written authorization from the Department of Human Resources to charge its account is received by the Commission. Such an authorization shall apply to all processing fees then or thereafter (within the then current benefit year) chargeable with respect to any individual name in the authorization. Any agreement shall provide for the reimbursement to the Commission of

any start-up costs and the cost of providing notice to the Department of Human Resources of any disclosure required by subparagraph (A). Such an agreement may dispense with the notice requirements of subparagraph (A) by providing for a suitable substitute procedure, reasonably calculated to discover those persons owing child support obligations who are eligible for unemployment compensation payments.

III. Any amount deducted and withheld under paragraph II of this subdivision shall, for all purposes, be treated as if it were paid to the individual as unemployment compensation and then paid by such individual to the State or Local Child Support Enforcement Agency in satisfaction of the individual's child support obligations.

IV. (A) On or before April 1 of 1983 and each calendar year thereafter, the Commission shall set and forward to the Secretary of Human Resources for use in the next fiscal year, a schedule of processing fees for the withholding and payment of unemployment compensation as provided for in this subsection, which fees shall reflect its best estimate of the administrative cost to the Commission generated thereby.

(B) At least 20 days prior to the effective date of this act, the Commission shall set and forward to the Secretary of Human Resources an interim schedule of fees which will be in effect until July 1, 1983.

(C) The provisions of this subsection apply only if arrangements are made for reimbursement by the State or Local Child Support Agency for all administrative costs incurred by the Commission under this subsection attributable to child support obligations enforced by the Agency."

Sec. 3. G.S. 96-12(e)A.(1), as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended to read:

"(1) 'Extended benefit period' means a period which:

(a) begins the third week after a week for which there is an 'on' indicator; and
(b) ends with either of the following weeks, whichever occurs later:

(I) the third week after the first week for which there is an 'off' indicator;
or

(II) the 13th consecutive week of such period.

Provided, that no extended benefit period may begin before the 14th week following the end of a prior extended benefit period which was in effect with respect to this State."

Sec. 4. G.S. 96-12(e)A.(2), as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is repealed.

Sec. 5. G.S. 96-12(e)A.(3), as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is repealed.

Sec. 6. G.S. 96-12(e)A.(4) as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended by renumbering it as G.S. 96-12(e)A.(2), and by rewriting it to read:

"(2) There is an 'on indicator' for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediate preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this Chapter:

a. Equalled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding 13 weeks and equalled or exceeded five percent (5%), or

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b. Equalled or exceeded six percent (6%).”

Sec. 7. G.S. 96-12(e)A.(5), as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended by renumbering it as G.S. 96-12(e)A.(3) and by rewriting it to read:

“(3) There is an ‘off indicator’ for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this Chapter:

a. was less than one hundred twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, and was less than six percent (6%), or

b. was less than five percent (5%).”

Sec. 8. G.S. 96-12(e)A.(6), as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended by renumbering it as G.S. 96-12(e)A.(4) and by substituting the words “subparagraphs (2) and (3)” for the words “subparagraphs (4) and (5)” in the first and second lines and further by inserting the words “for regular compensation” between the words “claims” and “in” in the first line of subparagraph a. thereof.

Sec. 9. G.S. 96-12(e)A., as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended by renumbering paragraphs (7) through (11) as paragraphs (5) through (9) respectively.

Sec. 10. G.S. 96-12(e)E., as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended by deleting the words “The total” in the first line and substituting “(a) Except as provided in subparagraph (b) hereof, the total”.

Sec. 11. G.S. 96-12(e)E. is amended by adding a new subdivision to read:

“(b) Notwithstanding any other provisions of this Chapter, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this subparagraph, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual’s weekly benefit amount for extended benefits.”

Sec. 12. G.S. 96-12(e)F.1., as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended to read:

1. “Whenever an extended benefit period is to become effective in this State as a result of an ‘on’ indicator, or an extended benefit period is to be terminated in this State as a result of an ‘off’ indicator, the Commission shall make an appropriate public announcement.”; and.

Sec. 13. G.S. 96-12(e)F.2. is amended by deleting the words “subsection A(6)” in the first line and substituting the words “subsection A(4)”.

Sec. 14. G.S. 96-12(e)I., as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended by deleting the words “a State ‘off’ indicator” and substituting the words “an ‘off indicator’”.

Sec. 15. G.S. 96-14, as it appears in the 1981 Supplement to Volume 2C of the General Statutes, is amended by adding a new subsection to read:

“(11)(a) Notwithstanding any other provisions of this Chapter, no otherwise eligible individual shall be denied benefits for any week because he or she is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable Federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work.

(b) For purposes of this subsection, the term ‘suitable employment’ means with respect to an individual, work of a substantially equal or higher skill level than the individual’s past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual’s average weekly wage as determined for the purposes of the Trade Act of 1974.”

Sec. 16. This act shall become effective September 25, 1982.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

S. B. 811 CHAPTER 1179

AN ACT TO REPEAL A LOCAL ACT CONCERNING BOUNDARY LINES OF THE KINSTON CITY ADMINISTRATIVE SCHOOL UNIT, SO THE GENERAL LAW WILL APPLY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 499, Session Laws of 1967, is repealed.

Sec. 2. The boundaries of the Kinston City School Administrative Unit shall remain as they are on the date of ratification of this act, until and unless changed in accordance with Chapter 115C of the General Statutes.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

S. B. 792 CHAPTER 1180

AN ACT TO EXTEND THE HOURS DURING WHICH THE INTENTIONAL SWEEPING OF GAME LANDS WITH LIGHTS AND THE INTENTIONAL SHINING OF LIGHTS ON DEER ARE PROHIBITED IN DAVIDSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 410 of the 1981 Session Laws is amended by adding after the county “Alamance,” the county “Davidson,”.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

S. B. 799

CHAPTER 1181

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON SEPARATION OF POWERS BY PROVIDING THAT BONDS ISSUED BY THE STATE PORTS AUTHORITY BE APPROVED BY THE GOVERNOR AFTER RECEIVING THE ADVICE OF THE ADVISORY BUDGET COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-456(b) is amended by deleting "Advisory Budget Commission", and inserting in lieu thereof the words "Governor, after receiving the advice of the Advisory Budget Commission".

Sec. 2. G.S. 143B-454(9) is amended by deleting "Advisory Budget Commission", and inserting in lieu thereof "Governor, after receiving the advice of the Advisory Budget Commission".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

S. B. 822

CHAPTER 1182

AN ACT TO MERGE THE MOTORBOAT FUND WITH THE WILDLIFE RESOURCES FUND AND TO ELIMINATE THE NECESSITY OF SEPARATE ACCOUNTING THEREFOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-250 is hereby amended by changing the period at the end of the next to last paragraph to a comma and by adding thereafter the following:

"Chapter 75A, Article 1, and Chapter 113, Subchapter IV of the General Statutes of North Carolina."

Sec. 2. Subsection (c) of G.S. 75A-3 is hereby amended by rewriting the subsection to read as follows:

"(c) All moneys collected pursuant to the numbering provisions of this Chapter and pursuant to G.S. 105-446.2 shall be deposited in the State treasury and credited to a special fund known as the Wildlife Resources Fund as provided by G.S. 143-250. The said moneys shall be made available to the Wildlife Resources Commission, subject to the Executive Budget Act and the Personnel Act, for the administration and enforcement of this Article, for activities relating to boating and water safety including education and waterway marking and improvement, and for boating access area acquisition, development and maintenance all in accordance with plans approved by the Wildlife Resources Commission. Such funds are hereby appropriated, reserved, set aside, and made available to the Wildlife Resources Commission until expended for the purpose set forth in this Article."

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

S. B. 834

CHAPTER 1183

AN ACT TO CHANGE THE DISTRICTS FOR THE PENDER COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 245, Session Laws of 1947, as amended by Sections 1 and 2 of Chapter 212, Session Laws of 1949, is amended by rewriting the section to read:

"Section 1. For the purpose of electing its county commissioners, the County of Pender is divided into five districts, as follows:

(1) District 1 shall consist of Burgaw Township.

(2) District 2 shall consist of Topsail Township.

(3) District 3 shall consist of Grady, Long Creek, and Rocky Point Townships.

(4) District 4 shall consist of Canetuck, Caswell, and Columbia Townships.

(5) District 5 shall consist of Holly and Union Townships."

Sec. 2. This act shall become effective beginning with the 1984 primary and election.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

S. B. 131

CHAPTER 1184

AN ACT TO AUTHORIZE THE CONSTRUCTION AND FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF A DORMITORY AT UNC-ASHEVILLE.

The General Assembly of North Carolina enacts:

Section 1. The Board of Governors of The University of North Carolina is authorized to construct a dormitory on its campus at The University of North Carolina-Asheville, and is authorized to finance the dormitory's cost of four million three hundred eighty thousand dollars (\$4,380,000) with funds available to it from gifts, grants, receipts, special funds, self-liquidating indebtedness or other funds, or any combination of these funds, but not including funds appropriated from the General Fund of the State.

Prior to the execution of the design contracts for the dormitory, the Advisory Budget Commission shall approve the method of funding.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

S. B. 452

CHAPTER 1185

AN ACT TO AMEND CERTAIN PORTIONS OF THE GENERAL STATUTES CONCERNING HISTORIC DISTRICTS AND HISTORIC PROPERTIES COMMISSIONS.

The General Assembly of North Carolina enacts:

Section 1. Section 160A-398.1 of Chapter 160A of the General Statutes of North Carolina is rewritten to read as follows:

“§ 160A-398.1. *Applicability of Part.*—All of the provisions of this Part are hereby made applicable to the construction, alteration, moving and demolition of buildings by the State of North Carolina, its political subdivisions, agencies and instrumentalities.

The State shall have a right of appeal to the North Carolina Historical Commission from any decision of a local historic district commission. The North Carolina Historical Commission shall render its decision within 30 days from the date that the notice of appeal by the State is received by the Commission. The decision of the Commission shall be final and binding upon both the State and the historic district commission.

The Secretary of the Interior's Standards for Rehabilitation and Guideline for Rehabilitating Historic Buildings shall be the sole principles and guidelines used in reviewing applications of the State for certificates of appropriateness.

No provision of this Part shall be applicable to the construction, use, alteration, moving or demolition of buildings of The University of North Carolina, or any of its constituent institutions or agencies.”

Sec. 2. Section 160A-399.1(b) of Part 3B of Chapter 160A of the General Statutes of North Carolina is rewritten to read as follows:

“(b) Exercise of powers under this Part by counties as well as cities. The term ‘municipality’ as used in Part 3B of Chapter 160A shall be deemed to include the county or its governing board or legislative board, to the end that counties may exercise the same powers as cities with respect to the designation of historic properties.”

Sec. 3. Section 160A-399.4 of Part 3B of Chapter 160A of the General Statutes of North Carolina is amended as follows:

The second sentence of the second paragraph of the section is rewritten to read as follows:

“For each building, structure, site, area or object so designated as a historic property, the ordinance shall require that the waiting period set forth in this Part be observed prior to its demolition.”

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 274

CHAPTER 1186

AN ACT TO ALLOW INTERRUPTION OF UTILITY SERVICES TO PROVIDE FOR REIMBURSEMENT BY THE BENEFICIARY OF THE INTERRUPTION, AND TO PERMIT HOTELS AND MOTELS TO OBTAIN REIMBURSEMENT FOR TELEPHONE SERVICES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 62, Article 3, of the General Statutes of North Carolina is amended by adding a new subsection to read as follows:

"§ 62-52. *Interruption of service.*—The Utilities Commission may adopt appropriate rules and regulations which would allow public utilities to temporarily interrupt service when a structure is moved by the owner of such structure (or by a licensed mover authorized and acting on behalf of the owner) over or along public roads or streets and there are public utility facilities in place which would impede the movement of such structure. Such rules and regulations shall require:

(1) the owner to demonstrate that the public health and safety of the utility's customers and that of the general public will not be affected by the interruption of such service,

(2) that the inconvenience to said customers and the general public can be fully anticipated and reduced to a minimum,

(3) the utility cooperate with the owner in furnishing information relative to (1) and (2), and

(4) an initial application fee be paid the utility toward its cost to be incurred in investigating and planning.

Should the owner and the public utility be unable to agree on a practical procedure and/or the direction to follow in overcoming the impeding facilities in order that the public health and safety of the utility's customers and that of the general public will not be affected, then and in such event the owner may petition the Utilities Commission to require the utility to temporarily interrupt its service to its customers by disconnecting the impeding facilities, provided the owner can demonstrate to the satisfaction of the Commission that the public health and safety of the utility's customers and that of the general public will not be affected by such interruption of service and that the public utility was unreasonable in the procedure, direction and cost proposed to the owner to overcome the impeding facility.

In any event, the owner of said structure shall reimburse the utility its full cost involved in such disconnection and reconnection including but not limited to planning, engineering, notification and administrative costs, labor, material and equipment. Should the impeding facility be overcome other than by disconnection, the owner shall nevertheless reimburse the utility its full cost related thereto."

Sec. 2. G.S. 62-3(23) is amended by adding a new subsection "g." to read as follows:

"g. The term 'public utility' shall not include a hotel or motel which imposes charges to guests for local or long-distance telephone calls when such calls are completed through the use of local access lines or long-distance message telecommunications service (MTS) of a public utility, and the applicable charges for telephone calls are displayed in each guest room."

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Sec. 3. Section 1 shall become effective upon ratification. The provisions of Section 2 shall become effective January 1, 1983.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 692

CHAPTER 1187

AN ACT TO REPEAL ARTICLE 7 OF G.S. CHAPTER 95 ENTITLED "BOARD OF BOILER RULES AND BUREAU OF BOILER INSPECTION" AND TO MAKE CERTAIN CHANGES IN ARTICLE 7A OF G.S. CHAPTER 95 ENTITLED "UNIFORM BOILER AND PRESSURE VESSEL ACT".

The General Assembly of North Carolina enacts:

Section 1. Article 7 of G.S. Chapter 95 entitled "Board of Boiler Rules and Bureau of Boiler Inspection", is repealed in its entirety.

Sec. 2. G.S. 95-69.12 is amended by striking the phrase "associated with the direct field inspections of this Article.", commencing on the sixth line of the last paragraph, and inserting in lieu thereof the words "of the Division."

Sec. 3. G.S. 95-69.12 is further amended by deleting the last sentence thereof which reads as follows: "All administrative functions pursuant to this Article shall be paid out of the State General Fund."

Sec. 4. G.S. 95-69.13(a) is amended by striking the phrase "annually designate one member to serve as chairman." in the last sentence, and inserting in lieu thereof the words "serve as chairman."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 1050

CHAPTER 1188

AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

The General Assembly of North Carolina enacts:

Section 1. Part 1 of Article 4 of Chapter 90 of the General Statutes is rewritten to read:

"ARTICLE 4.

"North Carolina Pharmacy Practice Act.

"§ 90-53. *Legislative findings.*—The General Assembly of North Carolina finds that mandatory licensure of all who engage in the practice of pharmacy is necessary to insure minimum standards of competency and to protect the public from those who might otherwise present a danger to the public health, safety and welfare.

"§ 90-54. *Definitions.*—(1) 'Administer' means the direct application of a drug to the body of a patient by injection, inhalation, ingestion or other means.

(2) 'Board' means the North Carolina Board of Pharmacy.

(3) 'Compounding' means taking two or more ingredients and combining them into a dosage form of a drug, exclusive of compounding by a drug manufacturer, distributor, or packer.

(4) 'Deliver' means the actual, constructive or attempted transfer of a drug or device from one person to another.

(5) 'Device' means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article including any component part or accessory, that is required by law to be dispensed only pursuant to a prescription order.

(6) 'Dispense' means preparing and packaging a prescription drug or device in a container and labeling the container with information required by State and federal law. Filling or refilling drug containers with prescription drugs for subsequent use by a patient is 'dispensing'. Providing quantities of unit dose prescription drugs for subsequent administration is 'dispensing'.

(7) 'Drug' means:

- a. any article recognized as a drug in the United States Pharmacopeia, or in any other drug compendium or any supplement thereto, or an article recognized as a drug by the United States Food and Drug Administration;
- b. any article, other than food or devices, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
- c. any article, other than food or devices, intended to affect the structure or any function of the body of man or other animals; and,
- d. any article intended for use as a component of any articles specified in clause a., b. or c. of this subsection.

(8) 'Emancipated minor' means any person under the age of 18 who is or has been married or who is or has been a parent; or whose parents or guardians have surrendered their rights to the minor's services and earnings as well as their right to custody and control of the minor's person; or who has been emancipated by an appropriate court order.

(9) 'Health care provider' means any licensed health care professional; any agent or employee of any health care institution, health care insurer, health care professional school; or a member of any allied health profession.

(10) 'Label' means a display of written, printed or graphic matter upon the immediate or outside container of any drug.

(11) 'Labeling' means preparing and affixing a label to any drug container, exclusive of labeling by a manufacturer, packer or distributor of a nonprescription drug or a commercially packaged prescription drug or device.

(12) 'License' means a license to practice pharmacy including a renewal license issued by the board.

(13) 'Permit' means a permit to operate a pharmacy or dispense devices, including a renewal license issued by the board.

(14) 'Person' means an individual, corporation, partnership, association, unit of government, or other legal entity.

(15) 'Person *in loco parentis*' means the person who has assumed parental responsibilities for a child.

(16) 'Pharmacist' means a person licensed under this Article to practice pharmacy.

(17) 'Pharmacy' means any place where prescription drugs are dispensed or compounded.

(18) 'Practice of pharmacy' means the responsibility for interpreting and evaluating drug orders, including prescription orders; compounding, dispensing and labeling prescription drugs and devices; properly and safely storing drugs and devices; maintaining proper records; and controlling pharmacy goods and

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services. A pharmacist may advise and educate patients and health care providers concerning therapeutic values, content, uses and significant problems of drugs and devices; assess, record and report adverse drug and device reactions; take and record patient histories relating to drug and device therapy; monitor, record and report drug therapy and device usage; perform drug utilization reviews; and participate in drug and drug source selection and device and device source selection as provided in G.S. 90-59. A licensed pharmacist who has received special training may be authorized and permitted to administer drugs pursuant to a specific prescription order in accordance with rules and regulations adopted by each of the Boards of Pharmacy, the Board of Nursing, and the Board of Medical Examiners of the State of North Carolina. Such rules and regulations shall be designed to ensure the safety and health of the patients for whom such drugs are administered.

(19) 'Prescription drug' means a drug that under federal law is required, prior to being dispensed or delivered, to be labeled with the following statement:

'Caution: Federal law prohibits dispensing without prescription'.

(20) 'Prescription order' means a written or verbal order for a prescription drug, prescription device, or pharmaceutical service from a person authorized by law to prescribe such drug, device, or service. A prescription order includes an order entered in a chart or other medical record of a patient.

(21) 'Unit dose medication system' means a system in which each dose of medication is individually packaged in a properly sealed and properly labeled container.

"§ 90-55. *North Carolina Pharmaceutical Association.*—The North Carolina Pharmaceutical Association, and the persons composing it, shall continue to be a body politic and corporate under the name and style of the North Carolina Pharmaceutical Association, and by that name have the right to sue and be sued, to plead and be impleaded, to purchase and hold real estate and grant the same, to have and to use a common seal, and to do any other things and perform any other acts as appertain to bodies corporate and politic not inconsistent with the Constitution and laws of the State.

"§ 90-55.1. *Objective of Pharmaceutical Association.*—The objective of the Association is to unite the pharmacists of this State for mutual aid, encouragement, and improvement; to encourage scientific research, develop pharmaceutical talent and to elevate the standard of professional thought.

"§ 90-56. *Board of Pharmacy; creation; membership; qualificatio of members.*—(a) *Creation.* The responsibility for enforcing the provisions of this Article and the laws pertaining to the distribution and use of drugs is vested in the board. The board shall adopt reasonable rules for the performance of its duties. The board shall have all of the duties, powers and authorities specifically granted by and necessary for the enforcement of this Article, as well as any other duties, powers and authorities that may be granted from time to time by other appropriate statutes.

(b) *Membership.* The board shall consist of six members, one of whom shall be a representative of the public, and the remainder of whom shall be pharmacists.

(c) *Qualifications.* The public member of the board shall not be a health care provider or the spouse of a health care provider. He shall not be enrolled in a program to prepare him to be a health care provider. The public member of the board shall be a resident of this State at the time of his appointment and while

serving as a board member. The pharmacist members of the board shall be residents of this State at the time of their appointment and while serving as board members.

"§ 90-56.1. *Board of Pharmacy; selection; vacancies; commission; term; removal.*—(a) The Board of Pharmacy shall consist of six persons. Five of the members shall be licensed as pharmacists within this State and shall be elected and commissioned by the Governor as hereinafter provided. Pharmacist members shall be chosen in an election held as hereinafter provided in which every person licensed to practice pharmacy in North Carolina and residing in North Carolina shall be entitled to vote. Each pharmacist member of said Board shall be elected for a term of three years and until his successor shall be elected and shall qualify. Members chosen by election under this section shall be elected upon the expiration of the respective terms of the members of the present Board of Pharmacy. No pharmacist shall be nominated for membership on said Board, or shall be elected to membership on said Board, unless, at the time of such nomination, and at the time of such election, he is licensed to practice pharmacy in North Carolina. In case of death, resignation or removal from the State of any pharmacist member of said Board, the pharmacist members of the Board shall elect in his place a pharmacist who meets the criteria set forth in this section to fill the unexpired term.

One member of the Board shall be a person who is not a pharmacist and who represents the interest of the public at large. The Governor shall appoint this member.

All Board members serving on June 30, 1981, shall be eligible to complete their respective terms. No member appointed or elected to a term on or after July 1, 1981, shall serve more than two complete consecutive three-year terms. The Governor may remove any member appointed by him for good cause shown and may appoint persons to fill unexpired terms of members appointed by him.

It shall be the duty of a member of the Board of Pharmacy, within 10 days after receipt of notification of his appointment and commission, to appear before the clerk of the superior court of the county in which he resides and take and subscribe an oath to properly and faithfully discharge the duties of his office according to law.

(b) All nominations and elections of pharmacist members of the Board shall be conducted by the Board of Pharmacy, which is hereby constituted a Board of Pharmacy Elections. Every pharmacist with a current North Carolina license residing in this State shall be eligible to vote in all elections. The list of pharmacists shall constitute the registration list for elections. The Board of Pharmacy Elections is authorized to make rules and regulations relative to the conduct of these elections, provided such rules and regulations are not in conflict with the provisions of this section and provided that notice shall be given to all pharmacists residing in North Carolina. All such rules and regulations shall be adopted subject to the procedures of Chapter 150A of the General Statutes of North Carolina. From any decision of the Board of Pharmacy Elections relative to the conduct of such elections, appeal may be taken to the courts in the manner otherwise provided by Chapter 150A of the General Statutes.

(c) All rules, regulations, and bylaws of the North Carolina Board of Pharmacy so far as they are not inconsistent with the provisions of this Article, shall continue in effect.

“§ 90-56.2. *Organization.*—The board shall elect from its members a president, vice-president, and other officers as it deems necessary. The officers shall serve one-year terms and until their successors have been elected and qualified.

“§ 90-56.3. *Meetings.*—The board shall meet at least twice annually for the purpose of administering examinations and conducting other business. Four board members constitute a quorum. The board shall keep a record of its proceedings, a register of all licensed persons, and a register of all persons to whom permits have been issued. The board shall report, in writing, annually to the Governor and the presiding officer of each house of the General Assembly.

“§ 90-56.4. *Employees; Executive Director.*—The board shall employ as Executive Director a pharmacist to serve as a full-time employee of the board. The Executive Director shall serve as Secretary and Treasurer of the board and shall perform administrative functions as authorized by the board. The board shall have the authority to employ other personnel as it may deem necessary to carry out the requirements of this Article.

“§ 90-56.5. *Compensation.*—The board shall determine the compensation of its employees. Employees shall be reimbursed for all necessary expenses incurred in the performance of their official duties.

“§ 90-56.6. *Executive Director to make investigations and prosecute.*—(a) Upon receiving information concerning a violation of this Article, the Executive Director shall promptly conduct an investigation and if he finds evidence of the violation, he may file a complaint and prosecute the offender in a board hearing.

(b) In all prosecutions of unlicensed persons for the violation of any of the provisions of this Article, a certificate signed under oath by the Executive Director shall be competent and admissible evidence in any court of this State that the person is not licensed, as required by law.

“§ 90-56.7. *Approval of schools and colleges of pharmacy.*—The board shall approve schools and colleges of pharmacy upon a finding that students successfully completing the course of study offered by the school or college can reasonably be expected to practice pharmacy safely and properly.

“§ 90-56.8. *Practical experience program.*—The board shall issue regulations governing a practical experience program. These regulations shall assure that the person successfully completing the program will have gained practical experience that will enable him to safely and properly practice pharmacy.

“§ 90-56.9. *Application and examination for licensure as a pharmacist; prerequisites.*—(a) Any person who desires to be licensed as a pharmacist shall file an application with the Executive Director on the form furnished by the board, verified under oath, setting forth the applicant's name, age, the place at which and the time that he has spent in the study of pharmacy, and his experience in compounding and dispensing prescriptions under the supervision of a pharmacist. The applicant shall also appear at a time and place designated by the board and submit to an examination as to his qualifications for being licensed. The applicant must demonstrate to the board his physical and mental competency to practice pharmacy.

(b) On or after July 1, 1982, all applicants shall have received an undergraduate degree from a school of pharmacy approved by the board. Applicants shall be required to have had up to one year of experience, approved by the board, under the supervision of a pharmacist and shall pass the required

examination offered by the board. Upon completing these requirements and upon paying the required fee, the applicant shall be licensed.

“§ 90-56.10. *Examination.*—The license examination shall be given by the board at least twice each year. The board shall determine the subject matter of each examination and the place, time and date for administering the examination. The board shall also determine which persons have passed the examination. The examination shall be designed to determine which applicants can reasonably be expected to safely and properly practice pharmacy.

“§ 90-56.11. *License renewal.*—In accordance with board regulations, each license to practice pharmacy shall expire on December 31 and shall be renewed annually by filing with the board on or after December 1 an application for license renewal furnished by the board, accompanied by the required fee. It shall be unlawful to practice pharmacy more than 60 days after the expiration date without renewing the license. All licensees shall give the board notice of a change of mailing address or a change of place of employment within 30 days after the change. The board may require licensees to obtain up to 10 hours of continuing education from board-approved providers as a condition of license renewal.

“§ 90-56.12. *Approval of continuing education programs.*—The board shall approve providers of continuing education programs upon finding that the provider is competent to and does offer an educational experience designed to enable those who successfully complete the program to more safely and properly practice pharmacy.

“§ 90-56.13. *Reinstatement.*—Whenever a pharmacist who has not renewed his license for five or more years seeks to renew or reinstate his license, he must appear before the board and submit evidence that he can safely and properly practice pharmacy.

“§ 90-56.14. *Licensure without examination.*—(a) The board may issue a license to practice pharmacy, without examination, to any person who is licensed as a pharmacist in another jurisdiction if the applicant shall present satisfactory evidence of possessing the same qualifications as are required of licensees in this State, that he was licensed by examination in such other jurisdiction, and that the standard of competence required by such other jurisdiction is substantially equivalent to that of this State at that time. The board must be satisfied that a candidate for licensure has a satisfactory understanding of the laws governing the practice of pharmacy and distribution of drugs in this State.

(b) An applicant who has taken and failed to pass an examination for licensure in North Carolina after July 1, 1977, shall not be granted reciprocal licensure in this State until having completed at least five years of the practice of pharmacy in another state.

“§ 90-56.15. *Pharmacy permit.*—In accordance with board regulations, each pharmacy in North Carolina shall annually register with the board on a form provided by the board. The application shall identify the pharmacist-manager of the pharmacy and all pharmacist personnel employed in the pharmacy. All pharmacist-managers shall notify the board of any change in pharmacist personnel within 30 days of such change.

“§ 90-56.16. *Devices; registration.*—Each place where devices are dispensed shall register annually with the board on a form provided by the board; provided this section shall not apply to places with current pharmacy permits.

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Records of devices dispensed in pharmacies or other places shall be kept in accordance with regulations promulgated by the Board of Pharmacy.

"§ 90-56.17. *License/permit to be displayed.*—Every pharmacist-manager's license, every permit, and every current renewal shall be conspicuously posted in the place of business owned by or employing the person to whom it is issued. The licenses and every last renewal of all other pharmacists employed in the pharmacy must be readily available for inspection by agents of the board. Failure to display any license or permit and the most recent renewal shall be a violation of this Article and each day that the license or permit or renewal is not displayed shall be a separate and distinct offense.

"§ 90-57. *Disaster reports.*—The pharmacist in charge of a pharmacy shall report within 10 days to the board any disaster, accident, theft, or emergency which may affect the strength, purity, or labeling of drugs and devices in the pharmacy.

"§ 90-58. *Prescription orders preserved.*—Every pharmacist-manager of a pharmacy shall maintain for at least three years the original of every prescription order and refill compounded or dispensed at the pharmacy except for prescription orders recorded in a patient's medical record. An automated data processing system may be used for the storage and retrieval of refill information for prescriptions pursuant to the regulations of the board.

"§ 90-60. *Filling/refilling regulations.*—The board may promulgate rules governing the filling, refilling and transfer of prescription orders not inconsistent with other provisions of law regarding the distribution of drugs and devices. Such regulations shall assure the safe and secure distribution of drugs and devices. Prescriptions marked PRN shall not be refilled more than one year after the date issued by the prescriber unless otherwise specified.

"§ 90-61. *Unit dose medication systems.*—The board may adopt regulations governing pharmacists providing unit dose medication systems. The regulations shall ensure the safe and proper distribution of drugs in the patient's best health interests.

"§ 90-62. *Unique pharmacy practice.*—Consistent with the provisions of this Article, the board may regulate unique pharmacy practices including, but not limited to, nuclear pharmacy and clinical pharmacy, to ensure the best interests of patient health and safety.

"§ 90-63. *Availability of patient records.*—Pharmacists employed in health care facilities shall have access to patient records maintained by those facilities when necessary for the pharmacist to provide pharmaceutical services. The pharmacist shall make appropriate entries in patient records.

"§ 90-64. *Availability of pharmacy records.*—(a) Except as provided in subsections (b) and (c) below, written prescription orders on file in a pharmacy are not public records and any person having custody of or access to the prescription orders may divulge the contents or provide a copy only to the following persons:

- (1) An adult patient for whom the prescription was issued or a person who is legally appointed guardian of that person;
- (2) An emancipated minor patient for whom the prescription order was issued or a person who is the legally appointed guardian of that patient;
- (3) An unemancipated minor patient for whom the prescription order was issued when the minor's consent is sufficient to authorize treatment of the condition for which the prescription was issued;

- (4) A parent or person *in loco parentis* of an unemancipated minor patient for whom the prescription order was issued when the minor's consent is not sufficient to authorize treatment for the condition for which the prescription is issued;
- (5) The licensed practitioner who issued the prescription;
- (6) The licensed practitioner who is treating the patient for whom the prescription was issued;
- (7) A pharmacist who is providing pharmacy services to the patient for whom the prescription was issued;
- (8) Anyone who presents a written authorization for the release of pharmacy information signed by the patient or his legal representative;
- (9) Any person authorized by subpoena, court order or statute;
- (10) Any firm, association, partnership, business trust, corporation or company charged by law or by contract with the responsibility of providing for or paying for medical care for the patient for whom the prescription order was issued;
- (11) A member or designated employee of the board;
- (12) The executor, administrator or spouse of a deceased patient for whom the prescription order was issued;
- (13) Researchers and surveyors who have approval from the board. The board shall issue this approval when it determines that there are adequate safeguards to protect the confidentiality of the information contained in the prescription orders and that the researchers or surveyors will not publicly disclose any information that identifies any person; or
- (14) The person owning the pharmacy or his authorized agent.

(b) A pharmacist may disclose any information to any person only when he reasonably determines that the disclosure is necessary to protect the life or health of any person.

(c) Records required to be kept by G.S. 90-93(d) (Schedule V) are not public records and shall be disclosed at the pharmacist's discretion.

“§ 90-65. *Embargo*.—Notwithstanding any other provisions of law, whenever an authorized representative of the board has reasonable cause to believe that any drug or device presents a danger to the public health, he shall affix to the drug or device a notice that the article is suspected of being dangerous to the public health and warning all persons not to remove or dispose of the article. Whenever an authorized representative of the board has reasonable cause to believe that any drug or device presents a danger to the public health and that there are reasonable grounds to believe that it might be disposed of pending a judicial resolution of the matter, he shall seize the article and take it to a safe and secure place. When an article has been embargoed under this section, the board shall, as soon as practical, file a petition in Orange County District Court for a condemnation order for such article. If the judge determines after a hearing, that the article is not dangerous to the public health, the board shall direct the immediate removal of the tag or other marking, and where appropriate, shall direct that the article be returned to its owner. If the judge finds the article is dangerous to the public health, he shall order its destruction at the owner's expense and under the board's supervision. If the judge determines that the article is dangerous to the public health, he shall order the

owner of the article to pay all court costs, reasonable attorney's fees, storage fees, and all other costs incident to the proceeding.

"§ 90-66. *Disciplinary authority.*—(a) The board may, in accordance with Chapter 150A of the General Statutes, issue a letter of reprimand or suspend, restrict, revoke, or refuse to grant or renew a license to practice pharmacy, or require licensees to successfully complete remedial education if the licensee has:

- (1) made false representations or withheld material information in connection with securing a license or permit;
- (2) been found guilty of or plead guilty or nolo contendere to any felony in connection with the practice of pharmacy or the distribution of drugs;
- (3) indulged in the use of drugs to an extent that renders him unfit to practice pharmacy;
- (4) made false representations in connection with the practice of pharmacy that endanger or are likely to endanger the health or safety of the public, or that defraud any person;
- (5) a physical or mental disability that renders him unfit to practice pharmacy with reasonable skill, competence and safety to the public;
- (6) failed to comply with the laws governing the practice of pharmacy and the distribution of drugs;
- (7) failed to comply with the rules and regulations of the board;
- (8) engaged in, or aided and abetted an individual to engage in, the practice of pharmacy without a license; or
- (9) was negligent in the practice of pharmacy.

(b) The board, in accordance with Chapter 150A of the General Statutes, may suspend, revoke, or refuse to grant or renew any permit for the same conduct as stated in subsection (a).

(c) Any license or permit obtained through false representation or withholding of material information shall be void and of no effect.

"§ 90-67. *Injunctive authority.*—The board may apply to any court for an injunction to prevent violations of this Article or of any rules enacted pursuant to it. The court is empowered to grant the injunctions regardless of whether criminal prosecution or other action has been or may be instituted as a result of the violation.

"§ 90-68. *Violations.*—(a) It shall be unlawful for any owner or manager of a pharmacy or other place to allow or cause anyone other than a pharmacist to dispense or compound any prescription drug except as an aide to and under supervision of a pharmacist.

(b) Every person lawfully authorized to compound or dispense prescription drugs shall comply with all the laws and regulations governing the labeling and packaging of such drugs by pharmacists.

(c) It shall be unlawful for any person not licensed as a pharmacist to compound or dispense any prescription drug, except as an aide to and under the supervision of a pharmacist.

(d) It shall be unlawful for any person to manage any place of business where devices are dispensed or sold at retail without a permit as required by this Article.

(e) It shall be unlawful for any person without legal authorization to dispose of an article that has been embargoed under this Article.

(f) It shall be unlawful to violate any provision of this Article or of any rules or regulations enacted pursuant to it.

(g) This Article shall not be construed to prohibit any person from performing an act that person is authorized to perform pursuant to North Carolina law. Health care providers who are authorized to prescribe drugs without supervision are authorized to dispense drugs without supervision.

(h) A violation of this Article shall be a misdemeanor punishable in the discretion of the court."

Sec. 2. G.S. 90-60, as amended by Chapter 72 of the 1981 Session Laws, is recodified as G.S. 90-56.18.

Sec. 3. G.S. 90-76.1 through G.S. 90-76.5 are recodified as G.S. 90-59 through G.S. 90-59.4, respectively.

Sec. 4. G.S. 90-76.6 is repealed.

Sec. 5. Part 2 of Article 4 of Chapter 90 of the General Statutes is repealed.

Sec. 6. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 1350 CHAPTER 1189

AN ACT TO ADD TWO YOUTH MEMBERS EACH TO THE JUVENILE LAW STUDY COMMISSION, THE COMPETENCY TEST COMMISSION, THE PARKS AND RECREATION COUNCIL, AND THE GOVERNOR'S CRIME COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-740 is amended as follows:

(a) by deleting the number "15" appearing on line 1 and inserting in lieu thereof the number "17";

(b) by deleting the number "11" appearing on line 2 and inserting in lieu thereof the number "13";

(c) by inserting between the "." and the word "One" appearing on line 9 the following new sentence:

"Two shall be persons under the age of 21 at the time of their appointment."

Sec. 2. G.S. 115C-176(a) is amended as follows:

(a) by deleting the number "15" appearing on line 3 and inserting in lieu thereof the number "17";

(b) by inserting in the third sentence following the words "psychological measurement;" and before the word "and" the words:

"two shall be persons under the age of 21 at the time of their appointment;".

Sec. 3. G.S. 143B-312 is amended as follows:

(a) by deleting the number "14" appearing on line 3 and inserting in lieu thereof the number "16";

(b) by inserting between the ";" and the word "and" on line 11 the following new phrase:

"two persons who shall be under the age of 21 at the time of their appointment;".

Sec. 4. G.S. 143B-478 is amended as follows:

(a) by deleting the number "32" appearing on line 2 of Section 1 of Chapter 467 of the 1981 Session Laws, as it amends G.S. 143B-478(a), and inserting in lieu thereof the number "34";

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(b) by deleting the word “four” appearing on line 3 of G.S. 143B-478(a)(1)c. and inserting in lieu thereof the word “six”;

(c) by inserting between the “,” and the word “one” appearing on line 4 of G.S. 143B-478(a)(1)c. the following new phrase:

“two of whom shall be under the age of 21 at the time of their appointment,”;

(d) by deleting the word “four” appearing on line 3 of G.S. 143B-478(b)(2) and inserting in lieu thereof the word “six”.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 1466 CHAPTER 1190

AN ACT TO ABOLISH THE OFFICE OF CORONER IN SAMPSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The office of coroner in Sampson County is abolished.

Sec. 2. Chapter 152 of the General Statutes is not applicable to Sampson County.

Sec. 3. This act shall become effective December 31, 1982.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 1486 CHAPTER 1191

AN ACT TO MAKE OMNIBUS AMENDMENTS TO THE GENERAL STATUTES TO CARRY OUT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON SEPARATION OF POWERS.

The General Assembly of North Carolina enacts:

Section 1. This act may be cited as the Separation of Powers Act of 1982.

An outline of the provisions of the act follows this section. The outline shows the heading “—CONTENTS/INDEX—” and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

—CONTENTS/INDEX—

(This outline is designed for reference only, and it in no way limits, defines, or prescribes the scope or application of the text of this act.)

PART 1.—GENERAL PROVISIONS ON APPOINTMENTS

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PART 1.—GENERAL PROVISIONS ON APPOINTMENTS

Sec. 2. Chapter 120 of the General Statutes is amended by adding a new Article to read:

“ARTICLE 16.

“Legislative Appointments to Boards and Commissions.

“§ 120-121. *Legislative appointments.*—(a) In any case where the General Assembly is called upon by law to appoint a member to any board or commission, that appointment shall be made by enactment of a bill.

(b) A bill may make more than one appointment.

(c) The bill shall state the name of the person being appointed, the board or commission to which the appointment is being made, the effective date of the appointment, the date of expiration of the term, the county of residence of the appointee, and whether the appointment is made upon the recommendation of the Speaker of the House of Representatives or the President of the Senate.

“§ 120-122. *Vacancies in legislative appointments.*—When a vacancy occurs, other than by expiration of term, in any office subject to appointment by the

General Assembly upon the recommendation of the Speaker of the House of Representatives or upon the recommendation of the President of the Senate, and the vacancy occurs either: (i) after election of the General Assembly but before convening of the regular session; (ii) when the General Assembly has adjourned to a date certain, which date is more than 10 days after the date of adjournment; or (iii) after sine die adjournment of the regular session, then the Governor may appoint a person to serve until the expiration of the term or until the General Assembly fills the vacancy, whichever occurs first. The General Assembly may fill the vacancy in accordance with G.S. 120-121 during a regular or extra session. Before making an appointment, the Governor shall consult the officer who recommended the original appointment to the General Assembly (the Speaker of the House of Representatives or the President of the Senate), and ask for a written recommendation. The Governor may not appoint a person other than the person so recommended. Any positions subject to appointment by the 1981 General Assembly but not filled prior to sine die adjournment of the 1981 Session may be filled by the Governor under this section as if it were a vacancy occurring after the General Assembly had made an appointment.

“§ 120-123. *Service by members of the General Assembly on certain boards and commissions.*—No member of the General Assembly may serve on any of the following boards or commissions:

- (1) The Board of Agriculture, as established by G.S. 106-2.
- (2) The Art Museum Building Commission, as established by G.S. 143B-59.
- (3) The Governor's Advocacy Council for Persons with Disabilities, as established by G.S. 143B-403.2.
- (4) The Board of Public Telecommunications Commissioners, as established by G.S. 143B-426.9.
- (5) The Board of Transportation, as established by G.S. 143B-350.
- (6) The Board of Trustees Teachers' and State Employees' Retirement System, as established by G.S. 135-6.
- (7) The Coastal Resources Commission, as established by G.S. 113A-104.
- (8) The Environmental Management Commission, as established by G.S. 143B-283.
- (9) The State Fire Commission, as established by G.S. 143B-481.
- (10) The Public Officers and Employees Liability Insurance Commission, as established by G.S. 143B-422.
- (11) The North Carolina Land Conservancy Corporation, as established by G.S. 113A-137.
- (12) The North Carolina Capital Building Authority, as established by G.S. 129-40.
- (13) The North Carolina Criminal Justice Education and Training Standards Commission, as established by G.S. 17C-3.
- (14) The North Carolina Housing Finance Agency Board of Directors, as established by G.S. 122A-4.
- (15) The North Carolina Seafood Industrial Park Authority, as established by G.S. 113-315.25.
- (16) The Committee for Review of Applications for Incentive Pay for State Employees, as established by G.S. 126-64.
- (17) The Board of Trustees of the North Carolina School of Science and Mathematics, as established by G.S. 115C-223.

(18) The North Carolina Board of Science and Technology, as established by G.S. 143B-441.

(19) The State Farm Operations Commission, as established by G.S. 106-26.13.

(20) The Board of Commissioners of the Law Enforcement Officers' Benefit and Retirement Fund, as established by G.S. 143-166.

(21) The Board of Trustees of The University of North Carolina Center for Public Television, as established by G.S. 116-37.

(22) The Commission for Mental Health, Mental Retardation and Substance Abuse Services, as established by G.S. 143B-148.

(23) The Governor's Waste Management Board, as established by G.S. 143B-216.12.

(24) The North Carolina Alcoholism Research Authority, as established by G.S. 122-120.

(25) The North Carolina Ports Railway Commission, as established by G.S. 143B-469.

(26) The North Carolina State Ports authority, as established by G.S. 143B-452.

(27) The Property Tax Commission, as established by G.S. 143B-223.

(28) The Social Services Commission, as established by G.S. 143B-154.

(29) The North Carolina State Commission of Indian Affairs, as established by G.S. 143B-407.

(30) The Wildlife Resources Commission, as established by G.S. 143-240.

(31) The Council on the Status of Women, as established by G.S. 143B-294.

(32) The Board of Trustees of North Carolina Museum of Art, established by G.S. 140-5.13."

Sec. 3. G.S. 147-12 is amended by adding a new subdivision to read:

"(3a) The Governor may make appointments to fill vacancies in offices subject to appointment by the General Assembly as provided in G.S. 120-122."

Sec. 4. G.S. 147-12 is amended by adding a new subdivision to read:

"(3b) Whenever a statute calls for the Governor to appoint one person from each congressional district to a board or commission, and at the time of enactment of that statute, the gubernatorial appointments do not cover all of the congressional districts, then the Governor, in filling vacancies on that board or commission as they occur, shall make appointments to satisfy that requirement, but shall not be required to remove any person from office to satisfy the requirement."

Sec. 5. G.S. 143B-13 is amended by adding a new subsection to read:

"(f) Whenever a statute requires that the Governor appoint at least one person from each congressional district to a board or commission, and due to congressional redistricting, two or more members of the board or commission shall reside in the same congressional district, then such members shall continue to serve as members of the board or commission for a period equal to the remainder of their unexpired terms, provided that upon the expiration of said term or terms the Governor shall fill such vacancy or vacancies in such a manner as to insure that as expeditiously as possible there is one member of the board or commission who is a resident of each congressional district in the State."

PART 2.—BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS

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Sec. 6. G.S. 143B-426.9(3) and (4) are rewritten to read:

“(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121;

(4) Two members appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121;”.

Sec. 7. The fourth paragraph of G.S. 143B-426.9 beginning with the words “The terms of the members of the North Carolina” is rewritten to read:

“The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years.”

Sec. 8. The eighth paragraph of G.S. 143B-426.9 is rewritten to read:

“Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the original appointment.”

PART 3.—BOARD OF TRANSPORTATION

Sec. 9. G.S. 143B-350(d) is rewritten to read:

“(d) The Board of Transportation shall have two members appointed by the General Assembly. One of these members shall be appointed upon the recommendation of the Speaker of the House of Representatives, and one shall be appointed upon the recommendation of the President of the Senate in accordance with G.S. 120-121. The initial members appointed by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.”

Sec. 10. The last two sentences in G.S. 143B-350(e) are rewritten to read:

“Board members shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.”

PART 4.—BOARD OF TRUSTEES TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

Sec. 11. G.S. 135-6(b)(4) is rewritten to read:

“(4) Two members appointed by the General Assembly, one appointed upon the recommendation of the Speaker of the House of Representatives, and one appointed upon the recommendation of the President of the Senate in accordance with G.S. 120-121. Neither of these members may be an active or retired teacher or State employee or an employee of a unit of local government. The initial members appointed by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.”

PART 5.—CHILD AND FAMILY SERVICES INTERAGENCY COMMITTEE

Sec. 12. G.S. 143B-426.4(7) is amended by inserting the word “advisory” between the words “other” and “duties”.

PART 6.—GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

Sec. 13. G.S. 143B-414(8) is rewritten to read:

“(8) To perform other advisory functions assigned by the Secretary of Administration or a legislative committee.”

Sec. 14. G.S. 143B-415 is amended by adding immediately after the first paragraph the following new language:

“Of the members appointed by the Governor, at least one shall come from each congressional district in accordance with G.S. 147-12(3b).”

PART 7.—GOVERNOR’S CRIME COMMISSION

Sec. 15. G.S. 143B-479 is amended by:

(1) Deleting the word “develop” in (a)(2) and inserting the word “recommend” in lieu thereof;

(2) Deleting the words “To assist and participate with the” in (a)(3) and inserting the words “To advise” in lieu thereof;

(3) Deleting (a)(7) and (a)(9a) and renumbering the succeeding subdivisions accordingly;

(4) Deleting the word “set” in (a)(8) and inserting the word “recommend” in lieu thereof;

(5) Deleting the word “make” in (a)(9) and inserting the words “recommend recipients of” in lieu thereof; and

(6) Deleting all of subsection (b) except the last sentence of the second paragraph.

Sec. 16. G.S. 143B-480.1 and G.S. 143B-480.2 are amended by deleting the words “Governor’s Crime Commission” each time they appear in these statutes and inserting the word “Secretary” in lieu thereof.

Sec. 17. G.S. 143B-476(a) is amended by adding the following sentence to read:

“These powers and duties include:

(1) accepting gifts, bequests, devises, grants, matching funds and other considerations from private or governmental sources for use in promoting the work of the Governor’s Crime Commission;

(2) making grants for use in pursuing the objectives of the Governor’s Crime Commission;

(3) adopting rules as may be required by the federal government for federal grants-in-aid for criminal justice purposes;

(4) ascertaining the State’s duties concerning grants to the State by the Law Enforcement Assistance Administration of the United States Department of Justice, and developing and administering a plan to ensure that the State fulfills its duties; and

(5) administering the Assistance Program for Victims of Rape and Sex Offenses.”

PART 8.—ECONOMIC DEVELOPMENT BOARD

Sec. 18. The first two paragraphs of G.S. 143B-434(a) are rewritten to read:

“There is created within the Department of Commerce an Economic Development Board. The Board shall advise the Secretary of Commerce on:

(1) the formulation of a program for the economic development of the State of North Carolina; and

(2) the formulation of a budget and the hiring of the head of each division of the Department of Commerce concerned with the expansion of the travel and tourism industry.

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The Secretary shall prepare the budget of the Department and shall hire the heads of the above-mentioned divisions who shall serve at his pleasure. The Board shall meet at least quarterly at the call of its chairman or the Secretary. Each quarter the Secretary shall report to the Board on the program and progress of this State's economic development.

The Economic Development Board shall consist of 25 members. The Secretary of Commerce, the President of the Senate or his appointee, and the Speaker of the House of Representatives or his appointee, shall be members of the Board. The Governor shall appoint 22 members of the Board. Of his appointees, the Governor shall appoint at least one member residing in each congressional district of the State."

PART 9.—ENVIRONMENTAL MANAGEMENT COMMISSION

Sec. 19. G.S. 143B-283(d) is rewritten to read as follows:

"(d) In addition to the members designated by subsection (a), the General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. The terms of initial appointees by the General Assembly shall expire on June 30, 1983. Thereafter, these members shall serve two-year terms."

Sec. 20. The Legislative Research Commission is authorized to study fully the membership, powers and duties of the Environmental Management Commission and to make recommendations, which will better protect, preserve and enhance the water and air resources of the State, to the 1983 Session of the General Assembly.

PART 10.—STATE FIRE COMMISSION

Sec. 21. G.S. 143B-481 is amended in the first sentence by deleting the words: "one member of the House of Representatives appointed by the Speaker of the House, one member of the Senate appointed by the President of the Senate" and inserting at the end of the first sentence the following:

"The General Assembly shall appoint two members, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122."

Sec. 22. G.S. 143B-481 is further amended by rewriting the fourth paragraph as it appears in the 1981 Cumulative Supplement to Volume 3C of the General Statutes to read:

"The terms of the initial appointees by the General Assembly shall expire on June 30, 1983. Thereafter, these appointees shall serve two-year terms."

PART 11.—GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH DISABILITIES

Sec. 23. G.S. 143B-403.2 is amended as follows:

(1) The third sentence of G.S. 143B-403.2 is deleted and the following inserted in lieu thereof:

"The Governor shall appoint 16 members, at least eight shall be disabled persons or parents of disabled persons. The General Assembly shall appoint two members in accordance with G.S. 120-121, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of

the President of the Senate. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

(2) The second paragraph of G.S. 143B-403.2 is amended by adding a new sentence at the end to read:

"The initial members appointed by the General Assembly shall serve for terms to expire June 30, 1983. Subsequently, members appointed by the General Assembly shall serve two-year terms beginning July 1, 1983, and biennially thereafter."

Sec. 23.1. G.S. 143B-403.2 is amended by adding the following new language at the end of the first paragraph:

"The Governor shall appoint at least one person from each congressional district in accordance with G.S. 147-12(3b)."

PART 12.—PUBLIC OFFICERS AND EMPLOYEES LIABILITY INSURANCE COMMISSION

Sec. 24. G.S. 143B-422 is amended in the first paragraph by deleting the following words from the second sentence: "the Lieutenant Governor shall appoint one member who shall be a member of the North Carolina Senate; the Speaker of the House of Representatives shall appoint one member who shall be a member of the North Carolina House of Representatives" and inserting in its place: "and the General Assembly shall appoint two persons, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. The terms of the initial appointees by the General Assembly shall expire on June 30, 1983."

Sec. 25. G.S. 143B-422 is further amended in the first paragraph by deleting the two sentences reading: "The member appointed by the Lieutenant Governor shall be appointed to a term of four years. The member appointed by the Speaker of the House shall be appointed to a term of two years.", and inserting in lieu thereof "Beginning July 1, 1983, the appointment made by the General Assembly upon the recommendation of the Speaker shall be for two years, and the appointment made by the General Assembly upon the recommendation of the President of the Senate shall be for four years."

Sec. 26. The next to the last sentence of the first paragraph of G.S. 143B-422 is amended by deleting "If", and inserting in lieu thereof "Except as provided in this section, if".

Sec. 27. G.S. 143B-423 is amended by deleting the third sentence.

PART 13.—NORTH CAROLINA LAND CONSERVANCY CORPORATION

Sec. 28. G.S. 113A-137 is amended by deleting the third sentence of the first paragraph and inserting the following:

"The General Assembly shall appoint four trustees of the Corporation, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. The terms of the initial appointees of the General Assembly shall expire on June 30, 1983. The terms of subsequent appointees of the General Assembly shall be two years."

PART 14.—CAPITAL BUILDING AUTHORITY

Sec. 29. G.S. 129-40 is amended:

(1) in the first sentence by deleting "a member of the Senate to be appointed by the Lieutenant Governor; a member of the House of Representatives to be appointed by the Speaker of the House" and inserting in its place "the General Assembly shall appoint two persons, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate"; and

(2) by adding at the end of the section:

"Appointments by the General Assembly shall be made in accordance with G. S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. The terms of the initial appointees by the General Assembly shall expire on June 30, 1983. Subsequent appointees by the General Assembly shall serve two-year terms."

Sec. 30. The Legislative Research Commission is authorized to study fully the membership and powers of the Capital Building Authority and to make recommendations it deems advisable to the 1983 Session of the General Assembly."

PART 15.—NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

Sec. 31. G.S. 17C-3(a) is amended:

(1) in the second sentence by deleting "26 members" and inserting in lieu thereof "25 members"; and

(2) by deleting from subdivision (5) the language: "One trial court judge selected by the Chief Justice of the North Carolina Supreme Court, one Senator selected by the Lieutenant Governor, one member of the House of Representatives selected by the Speaker of the House; the" and inserting in its place "The"; and

(3) by adding at the end of subdivision (5):

"The General Assembly shall appoint two persons, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-122. The terms of the initial appointees by the General Assembly shall expire on June 30, 1983. Subsequent appointees by the General Assembly shall serve two-year terms."

PART 16.—NORTH CAROLINA HOUSING FINANCE AGENCY

Sec. 32. The first thirteen sentences of G.S. 122A-4 are deleted and the following inserted in lieu thereof:

"(a) There is hereby created a body politic and corporate to be known as 'North Carolina Housing Finance Agency' which shall be constituted a public agency and an instrumentality of the State for the performance of essential public functions.

(b) The agency shall be governed by a board of directors composed of 13 members. The directors of the agency shall be residents of the State and shall not hold other public office.

(c) The General Assembly shall appoint eight directors, four upon the recommendation of the Speaker of the House of Representatives (at least one of whom shall have had experience with a mortgage-servicing institution and one of whom shall be experienced as a licensed real estate broker), and four upon the recommendation of the President of the Senate (at least one of whom shall be experienced with a savings and loan institution and one of whom shall be

experienced in home building). Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Notwithstanding any other provision of law, the terms of the four noncategorical appointments by the General Assembly shall expire on June 30, 1983. Subsequent noncategorical appointments shall be for terms of two years each. The terms of the initial categorical appointees by the General Assembly upon the recommendation of the Speaker shall expire on June 30, 1983; the terms of subsequent appointees shall be two years. The term of one of the initial categorical appointees by the General Assembly upon the recommendation of the President of the Senate shall expire on June 30, 1983, and the other on June 30, 1985; the terms of subsequent appointees shall be four years.

(d) The Governor shall appoint four of the directors of the agency; one of such appointees shall be experienced in community planning, one shall be experienced in subsidized housing management, one shall be experienced as a specialist in public housing policy, and one shall be experienced in the manufactured housing industry. The four appointees of the Governor shall be appointed for staggered four-year terms, two being appointed initially for three years and two for four years, and shall continue in office until their successors are duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term.

(e) Any member of the board of directors shall be eligible for reappointment. The 12 members of the board shall then elect a thirteenth member to the board by simple majority vote. Each member of the board of directors may be removed by the Governor for misfeasance, malfeasance or neglect of duty after reasonable notice and a public hearing, unless the same are in writing expressly waived. Each member of the board of directors before entering upon his duties shall take an oath of office to administer the duties of his office faithfully and impartially, and a record of such oath shall be filed in the office of the Secretary of State."

Sec. 33. Nothing in Section 32 of this act shall be construed as affecting the terms of office or requiring reappointment of the four directors of the Housing Finance Agency appointed by the Governor and serving on the effective date of this act.

Sec. 34. G.S. 122A-16 is amended by adding a new sentence at the end to read:

"The Agency shall on January 1 and July 1 of each year submit a written report of its activities to the Joint Legislative Commission on Governmental Operations."

Sec. 35. The Joint Legislative Commission on Governmental Operations is authorized to study the membership, powers and duties of the North Carolina Housing Finance Agency and to make recommendations it deems advisable to the 1983 Session of the General Assembly.

PART 17.—NORTH CAROLINA SEAFOOD INDUSTRIAL PARK AUTHORITY

Sec. 36. G.S. 113-315.25 is amended by deleting subsection (c) and by rewriting subsection (d) to read:

"(d) The General Assembly shall appoint two persons, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate. Appointments by the

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General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. The terms of the initial appointees by the General assembly shall expire on June 30, 1983. The terms of subsequent appointees by the General Assembly shall be two years."

Sec. 37. G.S. 113-315.25(g) is amended by deleting the last two sentences and inserting the following in lieu thereof:

"The members of the Authority shall not be entitled to compensation for their services, but shall receive per diem and necessary travel and subsistence expense in accordance with G.S. 138-5 and G.S. 138-6."

Sec. 38. The Legislative Research Commission is authorized to study the powers and duties of the North Carolina Seafood Industrial Park Authority and to make recommendations to the 1983 Session of the General Assembly to assist the Authority in the task of promoting, developing, constructing, equipping, maintaining, and operating the seafood industrial parks within the State.

PART 18.—COMMITTEE FOR REVIEW OF APPLICATIONS FOR INCENTIVE PAY FOR STATE EMPLOYEES

Sec. 39. The last sentence of G.S. 126-64 is rewritten to read:

"In addition, the Governor shall appoint one person who has experience in administering incentive pay as used in industry, and the General Assembly shall appoint two persons who have experience in administering incentive pay as used in industry. Of the two members appointed by the General Assembly, one shall be appointed upon the recommendation of the Speaker of the House of Representatives, and one shall be appointed upon the recommendation of the President of the Senate in accordance with G.S. 120-121. Members appointed by the General Assembly shall serve until the Committee expires on July 1, 1984. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

PART 19.—NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS

Sec. 40. G.S. 115C-223(a)(3) and (4) are rewritten to read:

"(3) Two members, one of whom shall be a superintendent of a local school administrative unit, appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.

(4) Two members, one of whom shall be a principal of a local school administrative unit, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121."

Sec. 41. The first sentence of G.S. 115C-223(b) is rewritten to read:

"The initial members appointed by the General Assembly upon the recommendation of the President of the Senate shall serve for terms expiring June 30, 1983; their successors shall serve for four-year terms beginning July 1 of 1983 and each fourth year thereafter. The initial members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall serve for terms expiring June 30, 1983; thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years."

Sec. 42. The last sentence of G.S. 115C-223(b) is amended by deleting the words "Lieutenant Governor and Speaker of the House" and inserting in lieu thereof the words "General Assembly".

Sec. 43. G.S. 115C-223(c) is amended by inserting between the words "in" and "appointive" the phrase "appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies in".

PART 20.—NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY

Sec. 44. The first paragraph of G.S. 143B-441 is amended by rewriting the second sentence to read:

"Two members shall be appointed by the General Assembly, one shall be appointed upon the recommendation of the President of the Senate, and one shall be appointed upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121."

Sec. 45. The first two sentences of the second paragraph of G.S. 143B-441 are rewritten to read:

"The initial members appointed to the Board by the General Assembly shall serve for terms expiring June 30, 1983; thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

Sec. 46. The fifth paragraph of G.S. 143B-441 is amended by deleting the second sentence.

PART 21.—STATE FARM OPERATIONS COMMISSION

Sec. 47. G.S. 106-26.13 is rewritten to read:

"§ 106-26.13. *Recreation of State Farm Operations Commission.*—There is hereby recreated a State Farm Operations Commission within the Department of Agriculture. The Commission shall consist of two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate in accordance with G.S. 120-121, and the following ex officio members or their designees: a member of the Board of Agriculture appointed by the Commissioner of Agriculture; the Dean of the School of Agriculture and Life Sciences of North Carolina State University; the Dean of the School of Forest Resources of North Carolina State University; the Secretary of Human Resources; and the Secretary of Correction. The two members appointed by the General Assembly shall be farmers whose principal residence is on a farm, whose principal occupation is farming or farm operations, and whose principal source of income is from farming or farm operations. The initial members appointed to the Commission by the General Assembly shall serve for terms expiring June 30, 1983; thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

PART 22.—BOARD OF COMMISSIONERS OF THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND

Sec. 48. G.S. 143-166(b)(5) is rewritten to read:

"(5) Two members to be appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate in accordance with G.S. 120-121. Neither member appointed by the General Assembly may be an active

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or retired law enforcement officer. The initial members appointed by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

PART 23.—BOARD OF TRUSTEES OF THE NORTH CAROLINA MUSEUM OF ART

Sec. 49. G.S. 140-5.13(b) is amended by:

(1) Rewriting subdivision (1) to read:

"(1) The Governor shall appoint eleven members, one from each congressional district in the State in accordance with G.S. 147-12(3b);";

(2) Deleting the word "four" in subdivisions (2), (3) and (4) and inserting the word "three" in lieu thereof;

(3) Rewriting subdivision (5) to read:

"(5) The General Assembly shall appoint two members, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate in accordance with G.S. 120-121.";

(4) Deleting subdivision (6); and

(5) Deleting the words "President of the Senate or the Speaker of the House", "President of the Senate and the Speaker of the House of Representatives", and "President of the Senate or of the Speaker of the House" from the last three sentences of the subsection and inserting the words "General Assembly" in each place in lieu thereof.

Sec. 50. G.S. 140-5.13(c) is amended by deleting the words "Every vacancy" and inserting in lieu thereof the phrase "Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. All other vacancies".

Sec. 51. G.S. 140-5.13(d) is amended by:

(1) Deleting the words "legislative members" and inserting in lieu thereof the words "legislative appointees";

(2) Rewriting subdivision (6) to read: "(6) The initial appointments by the General Assembly shall serve until June 30, 1983. Subsequent appointments shall be for two-year terms commencing July 1, 1983, and biennially thereafter";

(3) Deleting subdivision (7).

Sec. 52. The second sentence of G.S. 140-5.13(j) is deleted.

Sec. 53. The reduction of one each in appointees by the North Carolina Art Society, Incorporated, the North Carolina Museum of Art Foundation, Incorporated, and the Board of Trustees of the North Carolina Museum of Art shall be accomplished at the expiration of the terms of members expiring June 30, 1983. The Governor shall make three additional appointments effective that date to serve six-year terms.

PART 24.—UNIVERSITY OF NORTH CAROLINA CENTER FOR PUBLIC TELEVISION

Sec. 54. G.S. 116-37.1(b)(1) is amended by:

(1) deleting the phrase "one Senator appointed by the President of the Senate; one member of the House of Representatives appointed by the Speaker of the House" and inserting in lieu thereof the phrase "two members appointed by the General Assembly, one upon the recommendation of the Speaker of the

House of Representatives, and one upon the recommendation of the President of the Senate in accordance with G.S. 120-121"; and

(2) Inserting a new sentence between the second and third sentences of the subdivision to read:

"The initial members appointed to the Board of Trustees by the General Assembly shall serve for terms expiring June 30, 1983, and notwithstanding anything else in this section, their successors shall be appointed in 1983 and biennially thereafter for two-year terms."

Sec. 55. G.S. 116-37.1(b)(5) is amended by deleting the words "Any vacancy which occurs" and inserting in lieu thereof the following: "Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies occurring".

PART 25.—COMMISSION FOR MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Sec. 55.1. G.S. 143B-148(a) is amended by:

(1) Rewriting subdivision (1) to read:

"(1) Four of whom shall be appointed by the General Assembly, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President of the Senate in accordance with G.S. 120-121. These members shall have concern for the problems of mental illness, mental retardation, alcohol and drug abuse. The initial members appointed to the Commission by the General Assembly shall serve for terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

(2) Rewriting the first sentence of subdivision (2) to read:

"Twenty-one of whom shall be appointed by the Governor, one from each congressional district in the State in accordance with G.S. 147-12(3b), and 10 at-large members."

Sec. 56. G.S. 143B-148(b) is amended by deleting the last sentence of the subsection.

Sec. 57. G.S. 143B-148(c) is rewritten to read:

"(c) Commission members shall receive per diem, travel and subsistence allowances in accordance with G.S. 138-5 and G.S. 138-6, as appropriate."

PART 26.—GOVERNOR'S WASTE MANAGEMENT BOARD

Sec. 58. G.S. 143B-216.12(a)(3) is rewritten to read:

"(3) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate in accordance with G.S. 120-121."

Sec. 59. G.S. 143B-216.12(b) is amended by rewriting the last sentence to read:

"The initial members appointed by the General Assembly shall serve for terms expiring June 30, 1983; thereafter, their successors shall serve for two-year terms beginning July 1 of odd-numbered years."

Sec. 60. G.S. 143B-216.12(e) is amended by adding a new sentence at the end to read:

"Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122."

Sec. 61. G.S. 143B-216.12(f) is rewritten to read:

"Any member of the Board, except legislative appointees, may be removed by the Governor for misfeasance, malfeasance, or nonfeasance. Members appointed by the General Assembly may be removed for these reasons only by the General Assembly."

Sec. 62. G.S. 143B-216.12(g) is amended by deleting the second sentence.
PART 27.—MUNICIPAL BOARD OF CONTROL

Sec. 63. Article 1A of Chapter 160A of the General Statutes is repealed.

Sec. 64. This Part does not affect the validity of any corporate charter issued by the Municipal Board of Control prior to the effective date of this Part.

Sec. 65. This Part shall become effective October 1, 1982, except that an order incorporating a city which is entered prior to October 1, 1982, but subject to a referendum to be held under G.S. 160A-9.3 between October 1, 1982, and January 1, 1983, shall be valid notwithstanding the abolition of the Municipal Board of Control.

PART 28.—NORTH CAROLINA CAPITAL PLANNING COMMISSION

Sec. 66. G.S. 143B-373 is amended as follows:

(1) Subsection (1)d. is amended by deleting the word "select", and inserting in lieu thereof "recommend to the Governor".

(2) Subsection (1)e. is amended by deleting "name", and inserting in lieu thereof "recommend to the Governor the name for".

(3) Subsection (1) is amended by deleting "the City of Raleigh and its environs" in each of the four places it appears and inserting in lieu thereof "Wake County".

(4) Subsection (1)d. is amended by adding immediately before the semicolon " , except for buildings occupied by the General Assembly".

(5) Subsection (1)e. is amended by inserting immediately after the word "Hospital", the words " , the General Assembly".

Sec. 67. G.S. 120-32 is amended by adding a new subsection to read:

"(10) To select the locations for buildings occupied by the General Assembly, and to name any building occupied by the General Assembly."

Sec. 68. G.S. 147-12 is amended by adding a new subsection to read:

"(12) To name and locate State government buildings, monuments, memorials, and improvements, as provided by G.S. 143B-373(1)."

PART 29.—NORTH CAROLINA PORTS AUTHORITY

Sec. 69. G.S. 143B-452 is amended by rewriting the last sentence of the first paragraph to read:

"The Governor shall appoint seven members to the Authority, and the General Assembly shall appoint two members of the Authority. Effective July 1, 1983, the Authority shall consist of seven persons appointed by the Governor, and four persons appointed by the General Assembly."

Sec. 70. The first paragraph of G.S. 143B-452 is amended by adding the following new language immediately after the second sentence:

"Effective July 1, 1983, it shall be governed by a board composed of 11 members and hereby designated as the authority."

Sec. 71. The third and fourth paragraphs of G.S. 143B-452 are repealed, and the following substituted in lieu thereof:

"The General Assembly shall appoint two persons to serve terms expiring June 30, 1983. The General Assembly shall appoint four persons to serve terms

beginning July 1, 1983, to serve until June 30, 1985, and successors shall serve for two-year terms. Of the two appointments to be made in 1982, one shall be made upon the recommendation of the Speaker, and one shall be made upon the recommendation of the President of the Senate. Of the four appointments made in 1983 and biennially thereafter, two shall be made upon the recommendation of the President of the Senate, and two shall be made upon the recommendation of the Speaker. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122."

PART 30.—PROPERTY TAX COMMISSION

Sec. 72. The first paragraph of G.S. 143B-223 is amended by deleting "one each appointed by the Lieutenant Governor and the Speaker of the House", and inserting in lieu thereof "two appointed by the General Assembly".

Sec. 73. G.S. 143B-223 is amended by deleting the last two sentences of the first paragraph and inserting the following in lieu thereof:

"Of the two appointments made by the General Assembly, one shall be made upon the recommendation of the Speaker, and one shall be upon recommendation of the President of the Senate. The initial appointments of the General Assembly shall be for terms to expire on June 30, 1983, and the appointment of their successors shall be for terms of two years for the person appointed by the General Assembly upon the recommendation of the Speaker and four years for the person appointed by the General Assembly upon the recommendation of the President of the Senate. Appointments by the General Assembly shall be in accordance with G.S. 120-121 and vacancies shall be filled in accordance with G.S. 120-122."

PART 31.—COMMISSION OF INDIAN AFFAIRS

Sec. 74. G.S. 143B-407(a) is amended by deleting "the Speaker of the House of Representatives (or a person designated by the Speaker), the Lieutenant Governor (or a person designated by the Lieutenant Governor)", and inserting in lieu thereof "two persons appointed by the General Assembly".

Sec. 75. G.S. 143B-407(a) is further amended by adding the following new language at the end:

"Of the two appointments made by the General Assembly, one shall be made upon the recommendation of the Speaker, and one shall be made upon recommendation of the President of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with G.S. 120-122."

Sec. 76. G.S. 143B-407(b) is further amended by adding the following new language at the end:

"The initial appointments by the General Assembly shall expire on June 30, 1983. Thereafter, successors shall serve for terms of two years."

PART 32.—SOCIAL SERVICES COMMISSION

Sec. 77. The fourth paragraph of G.S. 143B-154 is repealed.

Sec. 78. Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-153. *Legislative enactment required.*—Notwithstanding any provision of this Part or of Chapter 108A of the General Statutes, the setting of rates or fees for social services for services provided under this Part or that Chapter, or the setting of eligibility standards or the designation of services to be provided, if granted by this Part or that Chapter to the Social Services

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Commission, instead shall be done only by enactment of laws enacted by the General Assembly. This section applies only to the exercise of powers by the Social Services Commission. The Social Services Commission may adopt interim rules or regulations in those areas during any time the General Assembly is not in session or has recessed for more than 10 days, such rules or regulations to expire on the first day of July of the odd-numbered year following their effective date, unless earlier modified, amended, enacted, or repealed by the General Assembly. The Social Services Commission shall report by May 1 of each year on any rules or regulations adopted under this section. This section is effective July 1, 1983."

PART 33.—WILDLIFE RESOURCES COMMISSION

Sec. 79. G.S. 143-240 is amended by deleting the second and third sentences of the eleventh paragraph and inserting the following in lieu thereof:

"The General Assembly shall appoint two members of the Commission, one upon the recommendation of the Speaker of the House and one upon the recommendation of the President of the Senate, in accordance with G.S. 120-121."

Sec. 80. G.S. 143-241 is amended in the last paragraph by deleting the last sentence and inserting the following in lieu thereof:

"Initial members of the Commission appointed by the General Assembly shall serve until June 30, 1983, and subsequent appointees shall serve for a two-year term beginning July 1, 1983, and biennially thereafter."

Sec. 81. G.S. 143-242 is amended by rewriting the second sentence to read:

"Appointments to fill vacancies of those members of the Commission appointed by the General Assembly shall be made under G.S. 120-122."

PART 34.—NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS

Sec. 82. G.S. 90-270.25 is amended by deleting the fifth and sixth sentences from its text.

Sec. 83. Appointments made under the previous G.S. 90-270.25 are valid until the expiration of the term, or death, resignation or removal of the appointee, but no new appointment may be made which would increase the membership of the Board to more than eight.

PART 35.—FURTHER STUDY AUTHORIZED

Sec. 84. The Legislative Research Commission is authorized to continue its study of the separation of powers between the three branches of State government and to report its findings and recommendations to the 1983 Session of the General Assembly.

PART 36.—EFFECTIVE DATE

Sec. 85. Except as provided elsewhere in this act, this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 1537

CHAPTER 1192

AN ACT RELATING TO THE CONDEMNATION OF LAND IN WAKE AND DURHAM COUNTIES BY THE RALEIGH-DURHAM AIRPORT AUTHORITY.

Whereas, Chapter 666 of the Session Laws of 1979, authorized and empowered the Raleigh-Durham Airport Authority to acquire by condemnation land in Wake and Durham Counties for airport purposes by procedures under which title to and the right of immediate possession of said land vested in the Raleigh-Durham Airport Authority upon the filing of the complaint; and

Whereas, by inadvertance, Chapter 40A of the General Statutes, enacted in 1981, repealed the aforesaid provisions of Chapter 666 of the Session Laws of 1979 without including therein any provision by which title to or the right of immediate possession of the land being condemned would vest in the Raleigh-Durham Airport Authority upon the filing of the complaint for condemnation; and

Whereas, it is the intent and purpose of this act to restore to the Raleigh-Durham Airport Authority in actions for condemnation the vesting of title and the immediate right of possession upon the filing of the action for condemnation; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Section 7 of Chapter 168 of Public-Local Laws 1939, as amended, is further amended by adding a new subsection (l) to read:

“(l) Private property needed for airport purposes may be acquired by the Raleigh-Durham Airport Authority by gift or devise or by purchase if the Raleigh-Durham Airport Authority is able to agree with the owners on the terms thereof. In case the Raleigh-Durham Airport Authority shall determine that condemnation of real property is necessary for airport purposes, it shall have the right to acquire such property within Wake County or Durham County by condemnation proceedings brought in its own name and without the joinder of the City of Raleigh, the City of Durham, the County of Durham or the County of Wake. The condemnation procedure to be followed shall be the procedure set out and contained in Article 9 of Chapter 136 of the General Statutes. In such case, the Raleigh-Durham Airport Authority shall have the same powers, and shall follow the same statutory procedures, in the condemnation of land within Wake County or Durham County for airport purposes as the Board of Transportation does in the condemnation of land under Article 9 of Chapter 136 of the General Statutes for highway purposes. Any pleadings or documents necessary to be served on the Raleigh-Durham Airport Authority in such action may be served upon the Chairman or Secretary of the Raleigh-Durham Airport Authority or the Airport Director. Title to property so acquired by condemnation shall vest in the Raleigh-Durham Airport Authority; provided, however, that no such real property shall be sold or conveyed by the Raleigh-Durham Airport Authority without the prior approval of the County of Durham, the County of Wake, the City of Durham and the City of Raleigh.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 1586

CHAPTER 1193

AN ACT TO ALLOW FOR RECALL ELECTIONS IN THE TOWN OF PINEBLUFF IN MOORE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Pinebluff, being Chapter 243, Session Laws of 1979, is amended by adding a new Article to read:

"Sec. 6.1. Removal of officeholders. The Mayor or any member of the Board of Commissioners may be removed by the electors qualified to vote for a successor of such incumbent.

"Sec. 6.2. Procedure. (a) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least forty per centum (40%) of the registered and qualified voters of the Town, demanding an election of a successor of the person sought to be removed, shall be filed with the Town Clerk. The petition shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(b) Within 10 days from the date of filing such petition, the Town Clerk shall examine and from the voter registration records ascertain whether or not the petition is signed by the requisite number of qualified electors, and he shall attach to the petition his certificate, showing the results of such examination. If by the Clerk's certificate it is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Clerk shall, within 10 days after such amendment, make a like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the Clerk shall submit the same to the Town Board of Commissioners without delay.

(c) If the petition shall be found to be sufficient, the Town Board shall order and fix a date for holding a special election, in accordance with State law governing special elections. Insofar as possible, the laws, rules and procedures governing the conduct of regular municipal elections shall apply to any election called pursuant to this section. Opening and closing dates for candidate filing shall be set by the Moore County Board of Elections.

"Sec. 6.3. Successor in office. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he or she requests otherwise in writing by the filing deadline, the Board of Elections conducting the election shall place his or her name on the official ballot without nomination. At such election, if some person other than the incumbent is elected the incumbent shall thereupon be deemed removed from the office upon qualification of his or her successor. If the incumbent received a plurality of the votes in the election, he or she shall continue in office.

"Sec. 6.4. Failure to qualify. In case the person elected should fail to qualify within 10 days after receiving notification of election, the office shall be deemed vacant. In that event, the unexpired term shall be filled by appointment by the Town Board but the person removed shall not be eligible for appointment. The person so appointed by the Board shall be subject to recall as other members of the Board.

"Sec. 6.5. Right of recall continued. Such method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled and any person is elected as his successor, the right of recall of such successor so elected shall be as in the case of an officer originally elected.

"Sec. 6.6. Time limitation. No person shall be subject to recall if the petition is filed within six months of the person having taken office, within six months of a recall election, or within six months of the expiration of the term."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 1589

CHAPTER 1194

AN ACT TO ESTABLISH THE ROANOKE VOYAGES CORRIDOR COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the Roanoke Voyages Corridor Commission. The purposes of the Commission are to effect and encourage restoration, preservation, and enhancement of the appearance and aesthetic quality of the U.S. Highway 64 and 264 travel corridor through Roanoke Island for the benefit and enjoyment of local citizens and visitors to the historic, educational, and cultural attractions on the Island. To accomplish its purposes, the Commission has the following powers and duties:

(1) To establish reasonable standards of appropriateness and provide rules, regulations, and guidelines as follows:

a. For the location, color, size, illumination, and other appearance features of billboards, outdoor advertising structures and displays which are located within 660 feet of the right-of-way of the highway and off of the premises of the business advertised by such billboard or outdoor advertising structure and display;

b. For the landscaping of the highway right-of-way and mowing or other maintenance within landscaped areas of the right-of-way of the highway;

c. For the aboveground and underground location and installation of wires and cables, including poles, conduit and other supporting structures therefor, used for the transmission of electric power or telephonic and other electronic communication which are placed or are to be placed on the right-of-way of the highway or within 50 feet of the right-of-way of the highway;

d. For the cutting of trees and other plantings on the right-of-way and in an area within 50 feet adjacent to the right-of-way of the highway in connection with adjacent development for commercial purposes.

(2) To enter into contracts and agreements with Dare County, the Town of Manteo, and other governmental subdivisions, including boards, agencies, and departments of Dare County, the Town of Manteo, and other such

governmental subdivisions, for the purpose of administering, enforcing or otherwise carrying out the powers and duties of the Commission.

(3) To acquire, hold, maintain, and dispose of title to or other interests in real and personal property.

(4) To cooperate with the Secretary and Department of Cultural Resources, the Secretary and Department of Transportation, and other governmental agencies, officials, and entities and to provide them with assistance and advice.

(5) To solicit and accept gifts, grants, and other assistance for the furtherance of its purposes and the exercise of its powers.

(6) To conduct programs and other appropriate activities when necessary.

(7) To adopt and enforce such bylaws, rules, regulations and guidelines that the Commission deems to be reasonably necessary in order to carry out its powers and duties.

Sec. 2. The Roanoke Voyages Corridor Commission shall consist of 20 voting members: 13 appointed by the Governor (four of whom shall be residents of Dare County), one appointed by the Secretary of Transportation plus, ex officio, the Chairman of the Board of Commissioners of Dare County, the Mayor of the Town of Manteo, the Chairman of the Dare County Planning Board, the Chairman of the Town of Manteo Planning Board, the President of the Dare County Garden Club Council and the President of the Roanoke Island Historic Association. Ex officio members may designate a person to serve as a member of the Commission in his or her stead. The initial appointments by the Governor shall be for staggered terms: four shall be for two-year terms, five shall be for four-year terms, and five shall be for six-year terms. Thereafter all appointments by the Governor shall be for six-year terms. The Governor shall choose a Chairman from among the members of the Commission, who shall not serve more than two successive two-year terms as Chairman. Members of the Commission shall serve without pay and without expense allowance from State funds. A majority of the Commission shall constitute a quorum for purposes of forming its organization but thereafter may provide its requirements for a quorum in its bylaws.

Sec. 3. The Roanoke Voyages Corridor Commission is hereby declared not to be a State agency within the meaning of the Executive Organization Act of 1973 and shall be exempt from all provisions of the Executive Organization Act of 1973.

Sec. 4. The Roanoke Voyages Corridor Commission shall submit an annual report of its activities, holdings, and finances, including an audit of its accounts by a certified public accountant, to the Secretary of Cultural Resources. In the event such annual report is not received by the Secretary, or if such report does not indicate the need for the continuation of the Commission, the Secretary of Cultural Resources is authorized to recommend to the next General Assembly the abolition of the Commission.

Sec. 5. No person, firm, or corporation shall erect or maintain any outdoor advertising structure, display or billboard which is located within 660 feet of the right-of-way of the highway and off the premises of the business which it advertises until a permit for the erection of such structure, display or billboard has been obtained from the Commission. Application for such permit shall be in writing, signed by the applicant or his authorized agent, upon such form and requiring such information as the Commission prescribes. No local

government or State agency shall issue a permit for any outdoor advertising structure, display or billboard subject to the provisions of this section until the Commission has issued its permit therefor.

This section shall not become effective until the Commission adopts standards and rules, regulations and guidelines for its implementation.

Sec. 6. No person, firm, or corporation shall construct a commercial driveway upon the right-of-way of the highway or develop any property for commercial purposes within 50 feet of the right-of-way of the highway until a certificate of appropriateness for such construction or development has been obtained from the Commission. Application for such certificate shall be in writing, signed by the applicant or his authorized agent, in such form and requiring such information as the Commissioner prescribes. No local governmental body or State agency shall issue any permit for construction or development covered by this section until such certificate of appropriateness has been issued by the Commission.

This section shall not become effective until the Commission adopts standards and rules, regulations and guidelines for its implementation.

Sec. 7. The word "highway" as used in this act means U.S. Highway 64 and 264 on Roanoke Island between the William B. Umstead Memorial Bridge over Croatan Sound and the Washington Baum Bridge over Roanoke Sound.

Sec. 7.1. The Town of Manteo and the County of Dare, within their respective zoning jurisdictions, may confer upon the Commission the power to enforce their zoning ordinances within 50 feet of the right-of-way of the highway.

Sec. 8. This act is effective upon ratification except as otherwise provided herein.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

S. B. 814 CHAPTER 1195

AN ACT TO INCREASE THE ALLOWED NUMBER AND LENGTH OF FARM TRAILERS.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 20-123(a) is rewritten to read:

"Nothing herein shall prohibit the towing of farm trailers not exceeding three in number nor exceeding a total length of 50 feet during the period from one-half hour before sunrise until one-half hour after sunset provided that a red flag at least 12 inches square shall be prominently displayed on the last vehicle."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

S. B. 835

CHAPTER 1196

AN ACT TO AMEND G.S. 24-1.1C, THE VARIABLE RATE FINANCING LAW FOR MOBILE HOMES.

The General Assembly of North Carolina enacts:

Section 1. All references in this act to G.S. 24-1.1C refer to the statute as it appears in the 1981 Cumulative Supplement to Volume 1D of the General Statutes of North Carolina.

Sec. 2. G.S. 24-1.1C(a)(2) is amended on line 3 thereof by inserting after the word "indirectly" and before the word "by" the following: "by the borrower or imposed directly or indirectly".

Sec. 3. (a) G.S. 24-1.1C(b)(4) is amended on line 3 by deleting the phrase "for the third calendar month" and inserting in lieu thereof the following: "in effect on the first day of the second month".

(b) G.S. 24-1.1C(b)(4) is further amended on lines 4 and 5 thereof by deleting the words "on the date of execution of the manufactured home loan" and inserting in lieu thereof: "in effect on the first day of the month in which the loan is executed".

(c) G.S. 24-1.1C(b)(4) is further amended on lines 7 and 8 by deleting on each line the phrase "for the third month" and inserting in lieu thereof on each line the following: "in effect on the first day of the second month".

Sec. 4. G.S. 24-1.1C(b) is amended by renumbering paragraphs (6) through (10) as paragraphs (7) through (11), and by inserting a new paragraph (6) to read as follows:

"(6) Any changes in the index which are not reflected in a rate adjustment may, by agreement of the parties, be carried over to subsequent rate adjustment periods, and, subject to the provisions of paragraph (b)(5) above, be implemented to the extent not offset by opposite movement in the index."

Sec. 5. (a) G.S. 24-1.1C(c) is amended on line 2 thereof by striking the word "the" and inserting in lieu thereof the words "a variable rate"; and is further amended on line 3 thereof by inserting the words "variable rate" immediately prior to the word "manufactured".

(b) G.S. 24-1.1C(c) is further amended by deleting paragraph (3) in its entirety and inserting in lieu thereof the following:

"(3) Interest charges on variable rate manufactured home loans shall be computed and paid periodically as a percentage of the unpaid principal balance. This percentage may be computed for any period as the number of days actually elapsed, times the effective annual percentage rate, divided by 365; or this percentage may be computed monthly as the number of days elapsed based upon an assumption that every month has 30 days, times the effective annual percentage rate, divided by 360. In either case, scheduled monthly payments may assume a 30-day month. Payments may be applied first to accrued interest, then to principal. No default charge shall be assessed on loans under this section."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. B. 1594 CHAPTER 1197

AN ACT TO AMEND CHAPTER 62 OF THE GENERAL STATUTES TO PROVIDE FOR UTILITIES COMMISSION CONSIDERATION OF ANNUAL FUEL ADJUSTMENT TO ELECTRIC UTILITY RATES ESTABLISHED PURSUANT TO G.S. 62-133.

The General Assembly of North Carolina enacts:

Section 1. Chapter 62 of the General Statutes is amended by adding a new section to read:

“§ 62-133.2. *Fuel charge adjustments for electric utilities.*—(a) The Commission may allow electric utilities to charge a uniform increment or decrement as a rider to their rates for changes in the cost of fuel and the fuel component of purchased power used in providing their North Carolina customers with electricity from the cost of fuel and the fuel component of purchased power established in their previous general rate case.

(b) For each electric utility engaged in the generation and production of electric power by fossil or nuclear fuels, the Commission shall hold a hearing within 12 months of the last general rate case order and determine whether an increment or decrement rider is required to reflect actual changes in the cost of fuel and the fuel cost component of purchased power over or under base rates established in the last preceding general rate case. Additional hearings shall be held on an annual basis but only one hearing for each such electric utility may be held within 12 months of the last general rate case.

(c) Each electric utility shall submit to the Commission for the hearing verified annualized information and data in such form and detail as the Commission may require, for an historic 12-month test period, relating to:

- (1) Purchased cost of fuel used in each generating facility owned in whole or in part by the utility.
- (2) Fuel procurement practices and fuel inventories for each facility.
- (3) Burned cost of fuel used in each generating facility.
- (4) Plant capacity factor for each generating facility.
- (5) Plant availability factor for each generating plant.
- (6) Generation mix by types of fuel used.
- (7) Sources and fuel cost component of purchased power used.
- (8) Recipients of and revenues received for power sales and times of power sales.
- (9) Test period kilowatt hour sales for the utility's total system and on the total system separated for North Carolina jurisdictional sales.

(d) The Commission shall provide for notice of a public hearing with reasonable and adequate time for investigation and for all intervenors to prepare for hearing. At the hearing the Commission shall receive evidence from the Utility, the Public Staff, and any intervenor desiring to submit evidence, and from the public generally. In reaching its decision, the Commission shall consider all evidence required under subsection (c) of this section. The Commission may also consider, but is not bound by, the fuel costs incurred by the utility and the actual recovery under the rate in effect during the test period as well as any and all other competent evidence that may assist the Commission in reaching its decision including changes in the price of fuel consumed and changes in price of the fuel in the fuel component of purchased power occurring within a reasonable time (as determined by the Commission)

after the test period is closed. The burden of proof as to the correctness and reasonableness of the charge shall be on the utility. The Commission shall allow only that portion, if any, of a requested fuel adjustment that is based on adjusted and reasonable fuel expenses prudently incurred under efficient management and economic operations. To the extent that the Commission determines that an increment or decrement to the rates of the utility due to changes in the cost of fuel and the fuel cost component of purchased power over or under base fuel costs established in the preceding general rate case is just and reasonable, the Commission shall order that the increment or decrement become effective for all sales of electricity and remain in effect until changed in a subsequent general rate case or annual proceeding under this section.

(e) If the Commission has not issued an order pursuant to this section within 120 days of a utility's submission of annual data under subsection (c) of this section, the utility may place the requested fuel adjustment into effect. If the change in rate is finally determined to be excessive, the utility shall make refund of any excess plus interest to its customers in a manner ordered by the Commission.

(f) Nothing in this section shall relieve the Commission from its duty to consider the reasonableness of fuel expenses in a general rate case and to set rates reflecting reasonable fuel expenses pursuant to G.S. 62-133."

Sec. 2. G.S. 62-134(e) is repealed.

Sec. 3. All rates and charges under G.S. 62-134(e) shall terminate not later than December 1, 1982. In general rate cases now pending, the Commission shall not use fuel costs or costs of purchased power established in a proceeding pursuant to G.S. 62-134(e), but shall determine the just and reasonable amount of the costs pursuant to G.S. 62-133(b)(3).

Sec. 4. The Utilities Commission shall, upon public notice and hearing with all interested parties allowed to participate and testify, investigate the present and future need and justification for electric utility fuel charge adjustments as provided for in this act and report its findings and recommendations to the Governor and the Utility Review Committee of the General Assembly on or before the convening date of the 1983 General Assembly, Second Session 1984; or if there is no 1984 Session, to the 1985 General Assembly on or before its convening date.

Sec. 5. The North Carolina Utility Review Committee shall, upon public notice and hearing with all interested parties allowed to participate and testify, investigate the present and future need and justification for inclusion in the rate base of public utilities construction work in progress, as now provided for in G.S. 62-133(b)(1), and report its findings and recommendations to the Governor and the General Assembly in the 1983 Session.

Sec. 6. The second sentence of G.S. 62-133(b)(1) is amended by striking the words "shall be included" and inserting in their place the words "may be included, to the extent the Commission considers such inclusion in the public interest and necessary to the financial stability of the utility in question,".

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

S. B. 815

CHAPTER 1198

AN ACT TO RAISE THE SELF-DEALING LIMITATION FOR PAMLICO COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-234(d1)(1) is amended by deleting "five thousand dollars (\$5,000)" and inserting in lieu thereof "ten thousand dollars (\$10,000)".

Sec. 2. This act applies to Pamlico County only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 816

CHAPTER 1199

AN ACT RELATING TO THE SALE OR LEASE OF REAL PROPERTY OWNED BY THE TOWN OF BEAUFORT.

The General Assembly of North Carolina enacts:

Section 1. The Town of Beaufort is authorized to dispose of real property donated, given or devised to the Town of Beaufort upon such terms and such conditions as the Board of Commissioners may determine without the necessity of complying with the requirements of Article 12 of Chapter 160A of the North Carolina General Statutes. Likewise, the Town of Beaufort is authorized to lease for periods longer than 10 years and upon such terms and such conditions as the Board of Commissioners may determine, any real property donated, given or devised to the Town of Beaufort.

Sec. 2. The Town of Beaufort is authorized to dispose of or lease the real property donated, given or devised to it pursuant to this act so long as the Board of Commissioners adopt a resolution finding that said real property will not be needed by the Town of Beaufort and authorizing the execution of the deed or lease agreement. Said resolution shall be adopted at a regular Council meeting upon 10 days' public notice, and said notice shall be given by publication describing the property to be leased or disposed of, stating the terms of the sale or lease, and announcing the Council's intent to authorize the lease or disposal of said real property at its next regular meeting.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 817

CHAPTER 1200

AN ACT TO ALLOW THE SHERIFF OF CRAVEN COUNTY TO CHARGE A FEE OF FOUR DOLLARS AND FIFTY CENTS FOR WEAPON PERMITS.

The General Assembly of North Carolina enacts:

Section 1. The last sentence of G.S. 14-404 is amended to read:

"The Sheriff shall charge for his services upon issuing such license or permit a fee of four dollars and fifty cents (\$4.50)."

Sec. 2. This act applies only to Craven County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 832

CHAPTER 1201

AN ACT TO CONFORM THE TERMS OF HUNTING, TRAPPING, AND FISHING LICENSES TO THE STATE'S FISCAL YEAR.

The General Assembly of North Carolina enacts:

Section 1. Subsection (b) of G.S. 113-270.2 is hereby amended to read as follows:

“(b) Except when indicated otherwise, all hunting licenses are annual licenses beginning July 1 each year running until the following June 30.”

Sec. 2. The second sentence of subsection (a) of G.S. 113-270.3 is hereby amended to read as follows:

“Special activity licenses are annual licenses issued beginning July 1 each year running until the following June 30.”

Sec. 3. Subsection (b) of G.S. 113-270.4 is hereby amended to read as follows:

“(b) The hunting guide license is an annual license issued upon payment of five dollars and twenty-five cents (\$5.25) beginning July 1 of each year running until the following June 30.”

Sec. 4. The last sentence of subsection (a) of G.S. 113-270.5 is hereby amended to read as follows:

“All trapping licenses are annual licenses issued beginning July 1 each year running until the following June 30.”

Sec. 5. G.S. 113-271 is hereby amended as follows:

(1) The second sentence of subsection (b) is amended to read as follows:

“Annual fishing licenses are issued beginning July 1 each year running until the following June 30.”

(2) The last sentence of subdivision (1a) of subsection (d) is repealed.

(3) The last sentence of subdivision (2) of subsection (d) is repealed.

(4) The last sentence of subdivision (4a) of subsection (d) is repealed.

Sec. 6. G.S. 113-272 is hereby amended as follows:

(1) Subsection (b) is amended to read as follows:

“(b) Except as otherwise indicated, special trout licenses or annual licenses issued beginning July 1 each year running until the following June 30.”

(2) The last sentence of subdivision (1a) of subsection (d) is repealed.

(3) The last sentence of subdivision (1c) of subsection (d) is repealed.

Sec. 7. Subsection (b) of G.S. 113-272.2 is hereby amended to read as follows:

“(b) All special device licenses are annual licenses issued beginning July 1 each year running until the following June 30.”

Sec. 8. Notwithstanding the foregoing provisions of this act, any of the following licenses that shall be issued after July 31, 1982, and before July 1, 1983, shall run until July 31, 1983:

Resident sportsman combination license

Resident combination hunting-fishing license

Resident State hunting license

Resident county hunting license

Nonresident sportsman combination license

Nonresident State hunting license
Game land license.

Sec. 9. Notwithstanding any other provision of this act, the Wildlife Resources Commission shall issue, for the term beginning January 1, 1983, and ending June 30, 1983, the following fishing licenses at the prices indicated:

Resident State fishing license	\$4.75
Resident county fishing license	\$2.50
Nonresident State fishing license	\$8.00
Resident special trout license	\$2.50
Nonresident special trout license	\$4.00
Resident special device license	\$5.00
Nonresident special device license	\$12.50
Resident personal use special device license	\$1.50
Nonresident personal use special device license	\$5.00

License agents issuing any of these licenses shall be entitled to retain from the proceeds a fee in the amount authorized by G.S. 113-270.1(b).

Sec. 10. Section 9 of this act shall become effective January 1, 1983. All other provisions of this act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 852 CHAPTER 1202

AN ACT TO ALLOW THE TOWN OF FRANKLINTON TO LEVY TAX OF NOT MORE THAN TWO DOLLARS ON MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-97 is amended by adding a new subsection to read:

“(a1) Notwithstanding the limitations in subsection (a) of this section, the Town of Franklinton may levy not more than two dollars (\$2.00) per year upon any motor vehicle resident therein and may levy a sum of fifteen dollars (\$15.00) per year on each motor vehicle operated in the town as a taxicab.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 713 CHAPTER 1203

AN ACT TO AMEND G.S. 113-291.4 WITH RESPECT TO FOX MANAGEMENT.

The General Assembly of North Carolina enacts:

Section 1. Subsection (f) of G.S. 113-291.4 is amended by deleting the first sentence of the subsection and by inserting in lieu thereof the following:

“When there is filed with the Wildlife Resources Commission a written petition requesting establishment in a county of an open season for taking foxes by trapping or with weapons, and the petition has been signed by not less than fifteen percent (15%) of the residents of the county who hold either a current and valid hunting license or trapping license, the Commission, upon verification of the petitioners in accordance with its policy, must institute a survey of the population of foxes in the county and, if adequate foxes are found to be available, must hold a public hearing in the county on the advisability of

opening a fox season in the county. Population surveys must be conducted in accordance with policy developed by the Commission, consistent with its regional personnel and financial capabilities. If, on the basis of the survey and other available information, the Commission determines the population of foxes in the county is fully adequate to support a harvest of that population, the Commission may open a season for taking foxes by trapping or with weapons in the county, or in such portion of the county as it may deem appropriate. The petition authorized by this subsection must be submitted on forms provided by the Commission and must include each petitioner's signature, address, telephone number, if any, type of license held, the number of the license, and the driver's license number, if any, and must identify the sponsor of the petition. A petition determined by the Commission to contain inadvertent defects will be returned to the sponsor with an explanation of its deficiencies and necessary corrective measures; a fraudulent petition will be impounded by the Commission, and its sponsor will be so notified."

Sec. 2. G.S. 113-291.4 is amended by adding a new subsection (i) to read as follows:

"(i) Upon notification by the North Carolina Division of Health Services of the presence of a contagious animal disease in a local fox population, the Commission is authorized to establish such population control measures as are appropriate until notified by public health authorities that the problem is deemed to have passed."

Sec. 3. G.S. 113-291.4(c)(1) is amended to read:

"(1) As provided in subsections (f) or (i)."

Sec. 4. This act shall become effective upon ratification, and Section 1 shall remain in effect only until July 1, 1987.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1074 CHAPTER 1204

AN ACT TO AUTHORIZE CORPORATE AND PERSONAL INCOME TAX CREDITS FOR CONSTRUCTION OF A PEAT FACILITY.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 105, as the same appears in Replacement Volume 2D of the General Statutes, is hereby amended by the addition of a new section after G.S. 105-130.27, to be given an appropriate number and to read as follows:

"§ 105-. *Credit against corporate income tax for construction of a peat facility.*—(a) Any corporation which constructs in North Carolina a facility which uses peat as the feedstock for the production of a commercially manufactured energy source to replace petroleum, natural gas or other nonrenewable energy sources shall be allowed a credit against the tax imposed by this division equal to twenty percent (20%) of the installation and equipment costs of construction; provided, that the credit shall not be allowed to the extent that any of the cost of the system was provided by federal, State, or local grants. In order to secure the credit allowed by this section, the taxpayer must own or control such facility at the time of construction, and the credit allowed by this section shall not exceed the amount of the tax imposed by this division for the

taxable year reduced by the sum of all credits allowable under this division, except for payments of tax made by or on behalf of the taxpayer.

(b) The amount of unused credit allowed under this section may be carried over for the next succeeding five years."

Sec. 2. General Statutes Chapter 105, as the same appears in Replacement Volume 2D of the General Statutes, is hereby amended by the addition of a new section, after G.S. 105-151.6, to be given an appropriate number and to read as follows:

"§ 105-. *Credit against personal income tax for construction of a peat facility.*—(a) Any person who constructs in North Carolina a facility which uses peat as the feedstock for the production of a commercially manufactured energy source to replace petroleum, natural gas or other nonrenewable energy sources shall be allowed a credit against the tax imposed by this division equal to twenty percent (20%) of the installation and equipment costs of construction; provided, that the credit shall not be allowed to the extent that any of the cost of the system was provided by federal, State, or local grants. In order to secure the credit allowed by this section, the taxpayer must own or control such facility at the time of construction, and the credit allowed by this section shall not exceed the amount of the tax imposed by this division for the taxable year reduced by the sum of all credits allowable under this division, except for payments of tax made by or on behalf of the taxpayer.

(b) The amount of unused credit allowed under this section may be carried over for the next succeeding five years."

Sec. 3. This act shall become effective with respect to taxable years beginning on and after January 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1439

CHAPTER 1205

AN ACT TO CONFORM THE STATE FOREIGN INCOME EXCLUSION TO THE FEDERAL EXCLUSION AND TO ELIMINATE THE EXCESS FOREIGN LIVING COSTS DEDUCTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-141(b)(22) is amended by deleting the words "in certain camps" and inserting the words "living abroad" in lieu thereof.

Sec. 2. G.S. 105-147(1)f. is repealed.

Sec. 3. G.S. 105-147(1)g. is relettered as (1)f.

Sec. 4. This act is effective for taxable years beginning on and after January 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1440

CHAPTER 1206

AN ACT TO RETAIN PART OF THE SPECIAL FUEL TAX REFUND ALLOWED TO THOSE WHO EXPORT TAXPAID SPECIAL FUEL FOR PAYMENT OF NORTH CAROLINA HIGHWAY BONDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-449.31 is rewritten to read:

“§ 105-449.31. *Refund on taxpaid fuel transported to another state.*—Upon application to the Secretary, any person, association or corporation who purchases special fuel upon which the tax imposed by this Article has been paid, and who transports the fuel to another state for sale or use in that state may be reimbursed at the rate of eleven cents (11¢) per gallon for the amount of tax paid. As used in this section, to ‘transport’ means to carry special fuel in a cargo tank, tank car, barge or barrel and does not include carrying fuel in a tank connected with or attached to the engine of a motor vehicle.”

Sec. 2. This act shall become effective July 1, 1982, and shall apply to purchases of special fuel made on or after that date.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1441

CHAPTER 1207

AN ACT TO CLARIFY WHAT CONSTITUTES AN ARTICLE FOR PREFERENTIAL SALES TAX TREATMENT AS EQUIPMENT USED IN THE PRODUCTION OF POULTRY PRODUCTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.4(1)p. is rewritten to read:

“p. Sales to farmers of bulk feed handling equipment used to raise, feed or produce livestock or poultry products, including cages used in the production of these products. The sale of the total number of poultry cages to be served by the same automatic feeder, automatic waterer or automatic egg collector constitutes the sale of a single article that is separate and distinct from a feeder, waterer or egg collector.”

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1442

CHAPTER 1208

AN ACT TO CONFORM THE STATE REPLACEMENT PERIOD FOR NON-RECOGNITION OF GAIN ON THE SALE OF A PRINCIPAL RESIDENCE TO THE FEDERAL PERIOD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-144.2 is amended by deleting the phrase “18 months” each time it appears and inserting in lieu thereof the phrase “2 years”.

Sec. 2. G.S. 105-144.2(c)(4) is amended by deleting the phrase “18 month” and inserting in lieu thereof the phrase “2-year”.

Sec. 3. G.S. 105-144.2(c)(5) is repealed.

Sec. 4. This act is effective upon ratification and applies to old residences sold or exchanged (i) after July 20, 1981, or (ii) on or before July 20,

1981, if the rollover period under G.S. 105-144.2 determined without regard to this act expires on or after July 20, 1981.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1443 CHAPTER 1209

AN ACT TO REPEAL CERTAIN REPORTING REQUIREMENTS OF DISTRIBUTORS AND VENDORS OF COIN-OPERATED MACHINES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-250.1 and G.S. 105-113.18(4) are repealed.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1444 CHAPTER 1210

AN ACT TO SUPPLEMENT THE GOVERNING INSTRUMENTS OF CERTAIN NONEXEMPT CHARITABLE TRUSTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 36A-54 is amended by redesignating subsections (b) and (c) as subsections (c) and (d) respectively, and by inserting a new subsection (b) to read:

“(b) Notwithstanding any provisions in the laws of this State or in the governing instrument to the contrary, unless otherwise decreed by a court of competent jurisdiction except as provided in subsection (c), the governing instrument of each trust that is a nonexempt charitable trust described in section 4947(a) (1) of the Code shall be deemed to contain the following provisions:

- (1) The trust shall be operated exclusively for charitable, educational, religious and scientific purposes within the meaning of section 501(c)(3) and section 170(c)(2) of the Code.
- (2) Upon any dissolution, winding up, or liquidation of the trust, its assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Code, or shall be distributed to the Federal government, or a state or local government for a public purpose.”

Sec. 2. The first sentence of G.S. 36A-54(a) is amended by deleting the phrase “subsection (b)” and inserting in lieu thereof the phrase “subsection (c)”.

Sec. 3. G.S. 36A-54(b) is amended by deleting the phrase “subsection (a)” each time it appears and inserting in lieu thereof the phrase “subsections (a) or (b)”.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1445 CHAPTER 1211

AN ACT MAKING TECHNICAL CORRECTIONS TO THE REVENUE LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-241.3(a) is amended by deleting the phrase "Article 33 of Chapter 143" each time it appears and inserting the phrase "Article 4 of Chapter 150A" in lieu thereof.

Sec. 2. G.S. 105-241.1(h) and G.S. 105-266.1(b) are each amended by deleting the phrase "The provisions of Article 33A of Chapter 143 of the General Statutes shall" and inserting in lieu thereof the phrase "G.S. 150A-29 does".

Sec. 3. G.S. 105-449.43 is rewritten to read:

"§ 105-449.43. *Taxes and fees to be paid to Highway Fund.*—All taxes and fees collected under this Article shall be paid to the State Highway Fund."

Sec. 4. G.S. 105-147(7) is amended by deleting the reference "G.S. 105-130.7(6)" and inserting the reference "G.S. 105-130.7(5)" in lieu thereof.

Sec. 5. G.S. 105-122 is amended by deleting subsection (h).

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1469 CHAPTER 1212

AN ACT TO CLARIFY WHEN A CORPORATION MAY APPORTION PART OF ITS NET INCOME OR NET LOSS TO ANOTHER STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-130.4(b) is amended by rewriting the second sentence of the subsection and by adding a sentence at the end of the subsection to read:

"For purposes of allocation and apportionment, a corporation is taxable in another state if (i) the corporation's business activity in that state subjects it to a net income tax or a tax measured by net income, or (ii) that state has jurisdiction based on the corporation's business activity in that state to subject the corporation to a tax measured by net income regardless whether that state exercises its jurisdiction. For purposes of this section, 'business activity' includes any activity by a corporation that would establish a taxable nexus pursuant to 15 United States Code § 381."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1470 CHAPTER 1213

AN ACT TO REPEAL THE PRIVILEGE LICENSE TAX ON SCRAP PROCESSORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-102.2 is repealed.

Sec. 2. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1546 CHAPTER 1214

AN ACT TO CHANGE THE REQUIRED PUBLICATION TIME SET FORTH IN CHAPTER 343 OF THE 1979 SESSION LAWS AND TO AMEND CHAPTER 603 OF THE 1977 SESSION LAWS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 343 of the 1979 Session Laws is amended by rewriting the last sentence of Section 1 as follows:

"The board of county commissioners shall publish a notice of this subsection in a newspaper published in the county or having general circulation in the county once a week for four consecutive weeks prior to January 1, 1980."

Sec. 2. Chapter 603 of the 1977 Session Laws governing the election of the Orange County Board of Education is hereby amended to provide a new subsection as follows:

"Sec. 6. If a runoff election is required, the runoff election shall be held at the time for the second primary as provided in G.S. 163-111(e) and those persons elected members of Orange County Board of Education shall qualify and take office on the first Monday of the month following their election."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 113 CHAPTER 1215

AN ACT TO AMEND THE FIREMEN'S RELIEF FUND LAW.

The General Assembly of North Carolina enacts:

Section 1. Section 118-12 of the General Statutes of North Carolina is hereby amended by adding a sentence at the end of the section to read as follows:

"Notwithstanding the above provisions, the Executive Board of the N.C. State Firemen's Association is hereby authorized to grant educational scholarships to the children of members; and to subsidize premium payments of members over 65 years of age to the Firemen's Fraternal Insurance Fund of the N.C. State Firemen's Association."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 360

CHAPTER 1216

AN ACT TO PERMIT BOARDS OF EDUCATION TO DISPOSE OF PROPERTY IN THE SAME MANNER AS COUNTIES AND CITIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 423 of the 1981 Session Laws is amended by rewriting G.S. 115C-518, as it appears therein, to read as follows:

“§ 115C-518. *Disposition of school property; easements and rights-of-way.*—

(a) When in the opinion of any local board of education the use of any building site or other real property or personal property owned or held by the board is unnecessary or undesirable for public school purposes, the local board of education may dispose of such according to the procedures prescribed in General Statutes, Chapter 160A, Article 12, or any successor provisions thereto. For the purposes of this section references in Chapter 160A, Article 12, to the ‘city,’ the ‘council,’ or a specific city official are deemed to refer, respectively, to the school district or administrative unit, the board of education, and the school administrative official who most nearly performs the same duties performed by the specified city official. A local board of education may also sell any property other than real property through the facilities of the North Carolina Department of Administration. The proceeds of any sale of real property or from any lease for a term of over one year shall be applied to reduce the county’s bonded indebtedness for the school administrative unit disposing of such real property or for capital outlay purposes.

(b) In addition to the foregoing, local boards of education are hereby authorized and empowered, in their sound discretion, to grant easements to any public utility, municipality or quasi-municipal corporations to furnish utility services, with or without compensation except the benefits accruing by virtue of the location of the said public utility, and to dedicate portions of any lands owned by such boards as rights-of-way for public streets, roads or sidewalks, with or without compensation except the benefits accruing by virtue of the location or improvement of such public streets, roads or sidewalks.

(c) Any sale, exchange or lease of real or personal property by any local board of education prior to ratification of this act and pursuant to the authority of G.S. 115-126 is hereby validated, ratified and confirmed.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1431

CHAPTER 1217

AN ACT TO CONFORM THE STATE LIMIT ON THE EXCLUDABLE AMOUNT OF GAIN FROM THE SALE OF A RESIDENCE TO THE FEDERAL LIMIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-141(b)(26)b.1. is amended by substituting the phrase “one hundred twenty-five thousand dollars (\$125,000)” for the phrase “one hundred thousand dollars (\$100,000)”, and by substituting the phrase “sixty-two thousand five hundred dollars (\$62,500)” for the phrase “fifty thousand dollars (\$50,000)”.

Sec. 2. This act is effective upon ratification and applies to residences sold or exchanged after July 20, 1981.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1432 CHAPTER 1218

AN ACT TO EXEMPT FEDERAL CIVIL SERVICE SURVIVOR ANNUITIES FROM INHERITANCE TAX.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-3 is amended by adding a new subdivision to read:

“(8) The value of an annuity receivable by any beneficiary, other than the estate, under a federal employee retirement program to which the employee made contributions during his working years.”

Sec. 2. This act shall become effective July 1, 1982, and shall apply to the estates of decedents dying on or after that date.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1433 CHAPTER 1219

AN ACT TO ALLOW A MOTOR FUEL TAX REFUND TO THOSE WHO TRANSPORT TAXPAID MOTOR FUEL TO ANOTHER STATE FOR SALE OR USE IN THAT STATE.

The General Assembly of North Carolina enacts:

Section 1. Article 36 of Chapter 105 is amended by adding a new section to read:

“§ 105-446.6. *Refund on taxpaid motor fuel transported to another state.*— Upon application to the Secretary, any person, association or corporation who purchases motor fuel upon which the tax imposed by this Article has been paid, and who transports the fuel to another state for sale or use in that state may be reimbursed at the rate of eleven cents (11¢) per gallon for the amount of tax paid. As used in this section, to ‘transport’ means to carry motor fuel in a cargo tank, tank car, barge or barrel and does not include carrying fuel in a tank connected with or attached to the engine of a motor vehicle.”

Sec. 2. This act shall become effective July 1, 1982, and shall apply to purchases of motor fuel made on or after that date.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1434

CHAPTER 1220

AN ACT TO EXEMPT CERTAIN LUMP SUM DISTRIBUTIONS FROM INHERITANCE TAX.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 105-3(5) is amended by deleting the phrase "(other than a lump sum distribution described in Section 402(e)(4) of the United States Internal Revenue Code, determined without regard to the next to the last sentence of Section 402(e)(4)(A) of such Code)".

Sec. 2. This act shall become effective July 1, 1982, and shall apply to estates of decedents dying on and after that date.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1435

CHAPTER 1221

AN ACT TO REMOVE THE REPORTING REQUIREMENTS FOR ESTATES LESS THAN SEVENTY-FIVE THOUSAND DOLLARS IN VALUE.

The General Assembly of North Carolina enacts:

Section 1. The second sentence of G.S. 105-22 is amended by deleting the phrase "twenty thousand dollars (\$20,000)" and inserting the phrase "seventy-five thousand dollars (\$75,000)" in lieu thereof.

Sec. 2. The second paragraph of G.S. 105-23 is amended by deleting the phrase "twenty thousand dollars (\$20,000)" and inserting in lieu thereof the phrase "seventy-five thousand dollars (\$75,000)".

Sec. 3. The second sentence of G.S. 28A-21-2(a) is amended by inserting the words "fair market" between the words "total" and "value"; and is further amended by deleting the phrase "twenty thousand dollars (\$20,000)" and inserting in lieu thereof the phrase "seventy-five thousand dollars (\$75,000)".

Sec. 4. This act shall become effective July 1, 1982, and shall apply to estates of decedents dying on and after that date.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1436

CHAPTER 1222

AN ACT TO PROVIDE THAT AMOUNTS RECEIVED FROM CERTAIN EMPLOYEE TRUSTS BE REPORTED AS INCOME ONLY IN THE YEAR IN WHICH RECEIVED.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 105-142(d) is amended by deleting the phrase "or made available" the first two times it appears in the sentence; and is further amended by deleting the phrase "in the year in which distributed or made available" following the phrase "Internal Revenue Code of 1954 as amended".

Sec. 2. The second sentence of G.S. 105-142(d) is amended by deleting the words "or made available to" and inserting the word "by" in lieu thereof; and is further amended by deleting the words "or made available" each subsequent time they appear in the sentence.

Sec. 3. The third paragraph of G.S. 105-142(d) is amended by deleting the words "or made available".

Sec. 4. This act is effective for taxable years beginning on and after January 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1438 CHAPTER 1223

AN ACT TO EQUALIZE THE RATE OF INTEREST ON TAX REFUNDS AND TAX ASSESSMENTS, AND TO SET THE RATE OF INTEREST ON TAX REFUNDS AND TAX ASSESSMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-163.16(c) is amended by deleting the phrase "of six percent (6%) per annum" in the fourth sentence of the subsection and substituting the phrase "established in G.S. 105-241.1(i) for assessments" in lieu thereof.

Sec. 2. G.S. 105-266 is amended by deleting the phrase "of six percent (6%) per annum" in the first sentence of the section and substituting the phrase "established in G.S. 105-241.1(i) for assessments" in lieu thereof.

Sec. 3. G.S. 105-163.9(a) is amended by deleting the phrase "of six percent (6%) per annum" in that subsection and substituting the phrase "established in G.S. 105-241.1(i) for assessments" in lieu thereof.

Sec. 4. G.S. 105-241.1(i) is amended by rewriting the first paragraph of the subsection to read:

"All assessments of taxes or additional taxes, exclusive of penalties assessed thereon, shall bear interest from the time the taxes or additional taxes were due until paid. The Secretary of Revenue shall set the rate of interest as follows: The Secretary shall, no later than December 1 of any year, set the rate to be in effect for the succeeding calendar year at the rate that will be in effect on January 1 of the succeeding year under the provisions of the Internal Revenue Code, or at a different rate, taking current market conditions into consideration. The rate established by the Secretary may not be less than five percent (5%) per year and may not exceed sixteen percent (16%) per year. For refunds and assessments made between July 1, 1982, and December 31, 1982, the rate shall be twelve percent (12%) per year."

Sec. 5. This act shall become effective July 1, 1982, and shall apply to refunds and assessments made on and after that date.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1453

CHAPTER 1224

AN ACT TO AMEND THE PROCEDURE FOR GRANTING EXEMPTIONS FROM MONEY JUDGMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1C-1601(b) is rewritten as follows:

“(b) Definition. ‘Value’ as used in this Article means fair market value of an individual’s interest in property, less valid liens superior to the judgment lien sought to be enforced.”

Sec. 2. G.S. 1C-1601(c) is amended by deleting the first sentence, and is further amended on line 4 by inserting after the word “Article” the words “and in Sections 1 and 2 of Article X of the North Carolina Constitution,” and by deleting the word “otherwise”.

Sec. 3. G.S. 1C-1601(c)(3) is amended by deleting the comma and the language “if the court finds that the debtor had a reasonable opportunity to assert the exemption.” and inserting in its place a period, and is further amended on line 3 by deleting the word “court” and inserting in its place “clerk or district court judge”.

Sec. 4. G.S. 1C-1601(e)(2) is amended by deleting the word “or” as it appears after the word “taxes” and inserting in its place a comma and by inserting after the word “bonds” the words “or fiduciary bonds”.

Sec. 5. G.S. 1C-1601(e)(5) is amended on line 2 by inserting the word “real” in front of the word “property”.

Sec. 6. G.S. 1C-1601(e) is amended by deleting subdivision (6) and renumbering subdivisions (7) through (9) accordingly.

Sec. 7. G.S. 1C-1601(e)(9), before being renumbered by Section 6 of this bill, is rewritten as follows:

“(9) For child support, alimony or distributive award order pursuant to Chapter 50 of the General Statutes.”

Sec. 8. G.S. 1C-1602 is rewritten as follows:

“The debtor may elect to take the personal property and homestead exemptions provided in Article X of the Constitution of North Carolina instead of the exemptions provided by G.S. 1C-1601. If the debtor elects to take his constitutional exemptions, the exemptions provided in G.S. 1C-1601 shall not apply and in that event the exemptions provided in this Article shall not be construed so as to affect the personal property and homestead exemptions granted by Article X of the Constitution of North Carolina. If the debtor elects to take his constitutional exemptions, the clerk or district court judge must designate the property to be exempt under the procedure set out in G.S. 1C-1603. The debtor is entitled to have one thousand dollars (\$1000) in value in real property owned and occupied by him and five hundred dollars (\$500.00) in value in his personal property exempted from sale under execution. If the value of the property in which the debtor claims his constitutional exemption is in excess of his exemptions, the clerk, in an execution, may order the sale of the property with the proceeds of the sale being distributed first to the debtor to satisfy his exemption and the excess to be distributed as ordered.”

Sec. 9. G.S. 1C-1603(a) is amended by rewriting subdivision (1) to read as follows:

“(1) A judgment debtor may have his exempt property designated by motion after judgment has been entered against him.”

Sec. 10. G.S. 1C-1603(a) is further amended by deleting subdivision (2) and renumbering subdivisions (3) and (4) accordingly.

Sec. 11. The first sentence of G.S. 1C-1603(a)(3), subdivision (4) before being renumbered by Section 10 of this bill, is rewritten to read as follows:

“After judgment, except as provided in G.S. 1C-1603(a)(2) or when exemptions have already been designated, the clerk may not issue an execution or writ of possession unless notice from the court has been served upon the judgment debtor advising him of his rights. The judgment creditor must cause the notice to be served on the debtor as provided in G.S. 1A-1, Rule 4(j)(1). If the judgment debtor cannot be served as provided above, the judgment creditor may serve him by mailing a copy of the notice to the judgment debtor at his last known address. Proof of service by certified or registered mail or personal service is as provided in G.S. 1A-1, Rule 4. The judgment creditor may prove service by mailing to last known address by filing a certificate that the notice was served indicating the circumstances warranting the use of such service and the date and address of service.”

Sec. 12. G.S. 1C-1603(d) is amended to read as follows:

“(d) Notice to Persons Affected. If the judgment debtor moves to designate his exemptions, a copy of the motion and schedule must be served on the judgment creditor as provided in G.S. 1A-1, Rule 5.”

Sec. 13. G.S. 1C-1603(e) is rewritten to read as follows:

“(e) Procedure for Setting Aside Exempt Property.

- (1) When served with the notice provided in G.S. 1C-1603(a)(3), the judgment debtor may either file a motion to designate his exemptions with a schedule of assets or may request, in writing, a hearing before the clerk to claim exemptions.
- (2) If the judgment debtor does not file a motion to designate exemptions with a schedule of assets within 20 days after notice of his rights was served in accordance with G.S. 1C-1603(a)(3) or if he does not request a hearing before the clerk within 20 days after service of the notice of rights and appear at the requested hearing, the judgment debtor has waived the exemptions provided in this Article and in Sections 1 and 2 of Article X of the North Carolina Constitution. Upon request of the judgment creditor, the clerk shall issue a writ of execution or writ of possession.
- (3) If the judgment debtor moves to designate his exemptions by filing a motion and schedule of assets, the judgment creditor is served as provided in G.S. 1C-1603(d).
- (4) If the judgment debtor requests a hearing before the clerk to claim exemptions, the clerk sets a hearing date and gives notice of the hearing to the judgment debtor and judgment creditor. At the hearing, the judgment debtor may claim his exemptions.
- (5) The judgment creditor has 10 days from the date served with a motion and schedule of assets or from the date of a hearing to claim exemptions to file an objection to the judgment debtor's schedule of exemptions.
- (6) If the judgment creditor files no objection to the schedule filed by the judgment debtor or claimed at the requested hearing, the clerk shall enter an order designating the property allowed by law and scheduled by the judgment debtor as exempt property. Upon request of the

- judgment creditor, the clerk shall issue an execution or writ of possession except for exempt property.
- (7) If the judgment creditor objects to the schedule filed or claimed by the judgment debtor, the clerk must place the motion for hearing by the district court judge, without a jury, at the next civil session.
 - (8) The district court judge must determine the value of the property. The district court judge or the clerk, upon order of the judge, may appoint a qualified person to examine the property and report its value to the judge. Compensation of that person must be advanced by the person requesting the valuation and is a court cost having priority over the claims.
 - (9) The district court judge must enter an order designating exempt property. Supplemental reports and orders may be filed and entered as necessary to implement the order.
 - (10) Where the order designating exemptions indicates excess value in exempt property, the clerk, in an execution, may order the sale of property having excess value and appropriate distribution of the proceeds.
 - (11) The clerk or district court judge may permit a particular item of property having value in excess of the allowable exemption to be retained by the judgment debtor upon his making available to judgment creditors money or property not otherwise available to them in an amount equivalent to the excess value. Priorities of judgment creditors are the same in the substituted property as they were in the original property.
 - (12) Appeal from a designation of exempt property by the clerk is to the district court judge. A party has 10 days from the date of entry of an order to appeal. Appeal from a designation of exempt property by a district court judge is to the Court of Appeals. Decisions of the Court of Appeals with regard to questions of valuation of property are final as provided in G.S. 7A-28. Other questions may be appealed as provided in G.S. 7A-30 and G.S. 7A-31."

Sec. 14. G.S. 1C-1603 is amended by deleting subsection(h).

Sec. 15. G.S. 1-305 is amended by designating the present section as subsection (a), by adding on the first line before the comma the language "and subsection (b) below", and by adding a new subsection (b) to read as follows:

"(b) The clerk may not issue an execution unless

- (1) the judgment debtor's exemptions have been designated, or
- (2) the judgment debtor has waived his exemptions as provided in G.S. 1C-1601(c), or
- (3) the clerk determines that the exemptions are inapplicable to the particular claim as authorized by G.S. 1C-1603(a)(2) (as renumbered by Section 10 of this bill)."

Sec. 16. G.S. 7A-28 is amended by amending the title by adding at the end thereof the words "or valuation of exempt property" and by numbering the present section as subsection (a) and by adding a new subsection (b) as follows:

"Decisions of the Court of Appeals upon review of valuation of exempt property under G.S. 1C are final and not subject to further review in the Supreme Court by appeal, motion, certification, writ, or otherwise."

Sec. 17. G.S. 7A-31(a) is amended on line 6 by deleting the words "embracing subject matter covered by G.S. 7A-28" and inserting the words "or valuation of exempt property pursuant to G.S. 7A-28."

Sec. 18. G.S. 1C-1603(f) is amended by deleting the second sentence and inserting a new sentence to read as follows:

"If real property located in a county other than the county in which the judgment was rendered is designated as exempt and the judgment has already been docketed in that county, the clerk must send a notice of the designation of exempt property to the county where the property is located. The clerk of the county where the land is located shall enter a notation of the designation of exempt property on the judgment docket. If a judgment is docketed in a county where real property is located after that real property has been designated as exempt, the transcript of judgment must indicate that the exemptions have been designated. The clerk in the county receiving the transcript must enter the notation of designation of exempt property as well as docket the judgment."

Sec. 19. G.S. 1C-1603(a)(3) (before being renumbered by Section 10 this bill) is amended in lines 1 and 2 by deleting the words "In a proceeding for the enforcement of a money judgment (including an execution or a supplemental proceeding) the court" and by inserting in their place the words "The clerk or district court judge".

Sec. 20. G.S. 1C-1601(c)(2) is amended on line 1 by deleting the word "court" as it appears twice, and inserting in its place the words "clerk or district court judge".

Sec. 21. If any section, paragraph or clause of this act is declared unconstitutional by a court of competent jurisdiction, that judgment shall not affect or invalidate the remainder of the act, but is limited to the section, paragraph or clause of this act that was declared unconstitutional.

Sec. 22. This act shall become effective September 1, 1982, and applies to all proceedings to enforce money judgments begun on or after that date. When a proceeding to enforce a money judgment has begun before the effective date of this act, the clerk may enter appropriate transitional orders.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1455

CHAPTER 1225

AN ACT TO INCREASE THE CIVIL JURISDICTION OF THE DISTRICT COURT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-243 is amended by deleting the words and figures "five thousand dollars (\$5,000)" in the two places they appear and inserting in lieu thereof the words and figures "ten thousand dollars (\$10,000)".

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

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H. B. 1456 **CHAPTER 1226**

AN ACT TO PROVIDE FOR ANNUAL JURY LISTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 9-2(a) is amended by adding at the end of the present subsection the following sentence:

“Instead of providing a list for an entire biennium, the commission may prepare a list each year if the senior regular resident superior court judge requests in writing that it do so.”

Sec. 2. This act shall become effective July 1, 1982, and a jury commission may prepare a list for the calendar year 1983 pursuant to the provisions of this act, even though the commission in 1981 prepared a jury list for the entire 1982-83 biennium.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1473 **CHAPTER 1227**

AN ACT TO REPEAL THE PRIVILEGE LICENSE TAX ON THOSE WHO
ISSUE AND REDEEM TRADING STAMPS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-92 is repealed.

Sec. 2. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1475 **CHAPTER 1228**

AN ACT TO REPEAL THE PRIVILEGE LICENSE TAX ON COAL AND
COKE DEALERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-44 is repealed.

Sec. 2. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1478 **CHAPTER 1229**

AN ACT TO REPEAL THE PRIVILEGE LICENSE TAX ON MERCHANTS
WHO BUY OR SELL COMMODITIES ON COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-68 is repealed.

Sec. 2. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982

H. B. 1481

CHAPTER 1230

AN ACT TO REPEAL THE PRIVILEGE LICENSE TAX ON JUNK DEALERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-102 is repealed.

Sec. 2. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1482

CHAPTER 1231

AN ACT TO REPEAL THE PRIVILEGE LICENSE TAX ON MANUFACTURERS AND SELLERS OF MONUMENTS AND GRAVESTONES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-96 is repealed.

Sec. 2. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1505

CHAPTER 1232

AN ACT TO REWRITE THE TEMPORARY RULE PROVISION OF CHAPTER 150A AS RECOMMENDED BY THE ATTORNEY GENERAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 150A-13 as amended by Chapter 688 of the 1981 Session Laws (First Session, 1981) is further amended to read as follows:

“§ 150A-13. *Temporary rules.*—(a) If an agency which is not exempted from the notice and hearing requirements of this Article by G.S. 150A-1 determines in writing that:

- (1) adherence to the notice and hearing requirements of this Article would be contrary to the public interest; and that
- (2) the immediate adoption, amendment, or repeal of a rule is necessitated by:
 - a. the public health, safety, or welfare; or
 - b. the effective date of a recent act of the General Assembly or the United States Congress; or
 - c. a federal regulation; or
 - d. a court order,

the agency may adopt, amend, or repeal the rule without prior notice or hearing or upon any abbreviated notice or hearing the agency finds practicable. The agency must accompany its rule filing with the Attorney General and the Legislative Research Commission's Administrative Rules Review Committee with the agency's written certification of the finding of need for the temporary rule, together with the reasons for that finding and a copy of the notice of hearing on the proposed permanent rule.

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(b) If the Department of Transportation, Revenue, or Correction determines in writing that the immediate adoption, amendment, or repeal of a rule is necessitated by:

- (1) the public health, safety, or welfare; or
- (2) the effective date of a recent act of the General Assembly or the United States Congress; or
- (3) a federal regulation; or
- (4) a court order,

the agency may adopt, amend, or repeal the rule. The agency must accompany its rule filing with the Attorney General and the Legislative Research Commission's Administrative Rules Review Committee with the agency's written certification of the finding of need for the temporary rule together with the reasons for that finding. In the case of the Department of Correction, in addition to the reasons set forth in subdivisions (1) through (4) of this subsection, the Department may file a temporary rule when necessary for the management and control of persons under the custody or supervision of the Department in extraordinary circumstances as certified by the Secretary. The Department shall file any temporary rule within two working days of its adoption by the Secretary under G.S. 148-11.

(c) Rules filed under subsections (a) and (b) may be effective for a period of not longer than 120 days. An agency adopting a temporary rule shall begin normal rule-making procedures on the permanent rule under this Article at the same time the temporary rule is adopted."

Sec. 2. G.S. 120-30.34 is rewritten to read:

"(a) Rules adopted in accordance with the procedures in G.S. 150A-13 shall be reviewed by the Committee and are subject to objection as provided in G.S. 120-30.28.

(b) The Committee shall review the reasons given for the adoption of a temporary rule and may object to the rule due to the agency's failure to make the finding required by G.S. 150A-13."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1506

CHAPTER 1233

AN ACT TO ALTER THE POWERS OF THE LEGISLATIVE RESEARCH COMMISSION'S ADMINISTRATIVE RULES REVIEW COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-30.25(c) is amended by inserting the following between "report" and the period:

"on a form approved by the Administrative Rules Review Committee".

Sec. 2. G.S. 120-30.28 as rewritten by Chapter 688 of the 1981 Session Laws of North Carolina (First Session, 1981) is amended to read as follows:

"§ 120-30.28. *Review of rules.*—(a) After a rule is filed with the Director, he shall submit it to the Committee which may determine whether or not the agency acted within its statutory authority in promulgating the rule. The Committee shall review a rule submitted to it by the Director not later than the last day of the first calendar month following the filing of the rule with the Director.

The Committee, by a majority vote of the members present and voting, may extend the time for review of a rule by 60 days to obtain additional information on the rule.

(b) If the Committee finds that an agency did not act within its statutory authority in promulgating a rule or a part of the rule, the Committee shall object to the rule. The Director of Research shall transmit to the cochairmen of the Legislative Research Commission, the Attorney General, and the agency a written report of the objection to the rule and the reasons therefor.

(c) Within 30 days after receipt of the Committee's written report, an agency shall either amend or repeal the rule to cure the defects cited as reasons for the Committee's objection or return the rule unamended to the Committee.

(d) To cure the defects cited as reasons for the Committee's objection, the agency may amend or repeal a rule without complying with the notice and hearing requirements contained in G.S. 150A-12. The curative rule is effective upon its filing with the Attorney General.

(e) The filing of an amendment to a rule places the entire rule before the Committee for its review.

(f) If an agency amends or repeals a rule to meet the Committee objection, the Committee shall transmit to the cochairmen of the Legislative Research Commission, the Attorney General, and the agency a written report removing its objection to the rule. If an agency does not amend or repeal a rule to cure the defects cited as reasons for the Committee's objection, the Committee, by a majority vote of the members present and voting, may remove its objection and shall transmit a written report of such action to the cochairmen of the Legislative Research Commission, the Attorney General, and the agency. If the objection is not removed, the Committee shall transmit to the Governor and the cochairmen of the Legislative Research Commission a written report of the objection to the rule containing the reasons for the objection and the notation that the agency returned the rule unamended to the Committee or failed to return the rule within the time specified in subsection (c).

(g) The Committee or Commission may submit corrective legislation concerning a rule or its part to which the Committee has objected to the General Assembly if then in session or, if not in session, to it in the next regular session. The Committee or Commission may consider and recommend to the General Assembly any legislation it believes would improve administrative procedure and practices in this State. A bill submitted to the General Assembly under this subsection is eligible for consideration in that part of the regular session to which the bill is submitted."

Sec. 3. G.S. 120-30.29A as set forth in Chapter 688 of the 1981 Session Laws of North Carolina (First Session, 1981) is rewritten to read as follows:

"§ 120-30.29A. *Actions on rules.*—The Committee may institute an action in the Superior Court of Wake County for a declaratory judgment on the issue of whether a rule to which the Committee has objected is valid or within the statutory authority of the agency.

The agency which promulgated the rule shall be notified of the commencement of the action by service of process pursuant to G.S. 1A-1, Rule 4. The Committee shall have standing to appear in any action authorized by this section or any appeals therefrom. Notwithstanding any other provision of law, the Committee may direct any licensed attorney on the staff of the General

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Assembly or contract with other counsel to represent the Committee in the action.

In any action in which a rule is determinative of the outcome and in which the rule was objected to by the Committee, the agency must prove that the rule is valid as defined in G.S. 150A-2(9) and within the statutory authority of the agency; provided, however, that five years after the date of adoption of a rule, there is a presumption that the rule was filed in accordance with the procedures set forth in Chapter 150A.

The clerk of the superior court shall file a copy of the order of the court with the Attorney General."

Sec. 4. G.S. 120-30.35 as amended by Chapter 688 of the 1981 Session Laws (First Session, 1981) is further amended by rewriting subsection (a) to read as follows:

"(a) Notwithstanding the time limitation on review of rules contained in G.S. 120-30.28(a), the cochairmen of the Commission may at any time call a public hearing before the Committee on any rule or part of rule upon the recommendation of the Committee or upon the motion of any member of the Commission. Within 60 days after the public hearing, the Committee may find that the agency did not act within its statutory authority in promulgating the rule or its part and object to the rule in accordance with subsections b, c, d, e, f, and g of G.S. 120-30.28."

Sec. 5. G.S. 120-30.36 as amended by Chapter 688 of the 1981 Session Laws (First Session, 1981) is further amended to read as follows:

"§ 120-30.36. *Failure to object; inadmissibility into evidence.*—(a) The failure of the Committee to object to a rule shall not be deemed to be approval of the statutory authority of the rule or its part by the Committee, Commission or the legislative branch.

(b) Evidence of the Committee's failure to object to the rule shall be inadmissible in all civil and criminal trials or other proceedings before courts, administrative agencies, or other tribunals."

Sec. 6. G.S. 150A-59(a) as amended by Chapter 688 of the 1981 Session Laws (First Session, 1981) is further amended by rewriting subsection (a) to read as follows:

"(a) Rules adopted by an agency on or after February 1, 1976, shall be filed with the Attorney General. No rule, except temporary rules adopted under the provisions of G.S. 150A-13 or curative rules adopted pursuant to G.S. 120-30.28, shall become effective earlier than the first day of the second calendar month after that filing."

Sec. 7. G.S. 150A-63.1 as set forth in Chapter 688 of the 1981 Session Laws (First Session, 1981) is amended to read as follows:

"§ 150A-63.1. *Administrative Rules Review Committee reports.*—The Attorney General shall retain any reports of the Legislative Research Commission's Administrative Rules Review Committee's objection to a rule. He shall append to any compilation, publication, or summation of that rule a notation that it has been objected to pursuant to Article 6C of Chapter 120 of the General Statutes and, where applicable, that the objection has been removed."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1508

CHAPTER 1234

AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-276 is rewritten to read:

“§ 90-276. *Definitions.*—For the purposes of this Article and as used herein:

(1) ‘Administrator-in-training’ means an individual registered with the Board who serves a training period under the supervision of a preceptor.

(2) ‘Board’ means the North Carolina State Board of Examiners for Nursing Home Administrators.

(3) ‘Nursing home’ means any institution or facility defined as such for licensing purposes under G.S. 130-9(e) of the General Statutes, whether proprietary or nonprofit, including but not limited to nursing homes owned or administered by the federal or State government or any agency or political subdivision thereof and nursing homes operated in combination with a home for the aged or any other facility.

(4) ‘Nursing home administrator’ means a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether such individual has an ownership interest in such home and whether his functions and duties are shared with one or more individuals.

(5) ‘Preceptor’ means a person who is a licensed and registered nursing home administrator and meets the requirements of the board to supervise administrators-in-training during the training period.”

Sec. 2. G.S. 90-278(1) is amended by inserting a new paragraph c. and redesignating the present paragraph c. as d.:

“c. He has successfully completed his training period as an administrator-in-training as prescribed by the Board.”

Sec. 3. G.S. 90-285 is amended by adding a new subdivision (11) to read:

“(11) Develop an administrator-in-training program to insure that nursing home administrators have adequate training and experience prior to licensure.”

Sec. 4. G.S. 90-280 is rewritten to read:

“(a) Each applicant for an examination administered by the Board and each applicant for an administrator-in-training program shall pay a fee set by the Board not to exceed two hundred dollars (\$200.00).

(b) Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount set by the Board not to exceed two hundred fifty dollars (\$250.00). A license shall expire on the thirtieth day of September of the second year following its issuance and shall be renewable biennially upon payment of a renewal fee set by the Board not to exceed two hundred fifty dollars (\$250.00).

(c) Each person licensed as a nursing home administrator shall display his license certificate, along with the current certificate of renewal, in a conspicuous place in his place of employment.

(d) Any person licensed as a nursing home administrator may receive a duplicate license by payment of a fee set by the Board not to exceed twenty-five dollars (\$25.00).

(e) Any person licensed as a nursing home administrator who is not acting, serving, or holding himself out to be a nursing home administrator may have his name placed on an inactive list for such period of time not to exceed five

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years upon payment of a fee set by the Board not to exceed twenty-five dollars (\$25.00).

(f) Any person having a temporary license issued pursuant to G.S. 90-278(3) shall pay a fee in an amount set by the Board not to exceed one hundred dollars (\$100.00). If the Board renews the temporary license, no further fee shall be required.

(g) The Board may set fees for conducting and administering initial training and continuing education courses, and may set a fee not to exceed twenty-five dollars (\$25.00) for certifying a course submitted for review by another individual or agency wishing to offer such courses."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1564 CHAPTER 1235

AN ACT TO REVISE THE REIDSVILLE FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

The General Assembly of North Carolina enacts:

Section 1. Section 3(a) of Chapter 94, Session Laws of 1979, is amended as follows:

(a) by deleting from lines 2 and 3 the phrase "with 20 years service, or more, as a fireman of the City of Reidsville";

(b) by deleting from lines 10 and 11 the words and figures "eight hundred dollars (\$800.00)" and substituting the words and figures "one thousand two hundred dollars (\$1,200)";

(c) by deleting from lines 12 and 13 the words and figures "four hundred dollars (\$400.00)" and substituting the words and figures "six hundred dollars (\$600.00)".

Sec. 2. Section 3 of Chapter 94, Session Laws of 1979, is further amended by adding a new subsection (c) to read as follows:

"(c) For purposes of this act, the term 'retired fireman of the city' shall mean (1) as to full-time or call or volunteer firefighters who were on the City Fire Department roster as of October 11, 1981, a fireman who has retired after 20 years service or more as a fireman of the City of Reidsville; and (2) as to full-time or call or volunteer firefighters who were not on the City Fire Department roster as of October 11, 1981, a fireman who has retired after 25 years service or more as a fireman of the City of Reidsville and who has attained the age of 55 years."

Sec. 3. This act is effective upon ratification, and shall apply to disbursements of supplemental retirement benefits made subsequent to July 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1622

CHAPTER 1236

AN ACT TO AUTHORIZE MUNICIPALITIES TO USE AND DISPOSE OF REAL AND PERSONAL PROPERTY AT THE DISCRETION OF THE CITY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Article 12 of Chapter 160A of the General Statutes is amended by adding a new section as follows:

“§ 160A-265. *Use and disposal of property.*—In the discretion of the council, a city may: (i) hold, use, change the use thereof to other uses, or (ii) sell or dispose of real and personal property, without regard to the method or purpose of its acquisition or to its intended or actual governmental or other prior use.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1623

CHAPTER 1237

AN ACT TO ALLOW SANITARY DISTRICTS TO ACQUIRE PROPERTY FOR, AND CONSTRUCT, A MEDICAL CLINIC.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130-128 is amended by adding a new subdivision to read:

“(23) To acquire or renovate property for, or construct, a medical clinic to serve the district, and to maintain real and personal property for a medical clinic to serve the district.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1633

CHAPTER 1238

AN ACT TO AMEND CHAPTER 54B OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO SAVINGS AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 54B-4(b)(27), as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is rewritten to read as follows:

“(27) ‘General reserve’ means appropriated or restricted funds in the form of cash or investments to be used solely for the purpose of absorbing losses.”

Sec. 2. Article 10 of Chapter 54B, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is rewritten to read as follows:

“Article 10.

“General Reserve.

“§ 54B-216. *General reserve.*—(a) Every State association shall establish and maintain a general reserve for the sole purpose of covering losses. The general reserve shall be established and maintained separately from any specific loss reserves established and maintained at the election of the association or pursuant to rules and regulations prescribed by the Commission.

(b) The general reserve shall be maintained at a level set by the Commission based on assets. In setting the level for the general reserve, the Commission shall evaluate the risk attributable to various types of assets and shall establish percentages for each type of asset based on its level of risk.

(c) In the case of newly chartered stock associations, the permanent capital reserve required by G.S. 54B-12(b)(2) shall be deemed a constituent part of and not supplementary to the general reserve required by this section. Therefore, a minimum of five hundred thousand dollars (\$500,000) shall be the required level of the general reserve of a stock association until a greater level is required pursuant to this section and rules and regulations promulgated thereto.

(d) Notwithstanding the provision of this section, any State association which has insurance of withdrawable accounts with the Federal Savings and Loan Insurance Corporation and which meets the statutory reserve requirement of the Federal Savings and Loan Insurance Corporation need not comply with the general reserve requirement of this section.

(e) The failure of a State association to maintain the required level of general reserve set by the Commission or the statutory reserve requirement of the Federal Savings and Loan Insurance Corporation may be grounds for supervisory action by the Administrator.

(f) The Commission shall adopt rules and regulations for the implementation of this section."

Sec. 3. G.S. 54B-22, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by:

(a) rewriting the second sentence in subsection (a) to read as follows:

"The application shall be in such form as may be prescribed by the Administrator and shall be accompanied by the proper branch application fee.";

(b) rewriting subdivision (b)(2) to read as follows:

"The applicant has evidenced financial responsibility";

(c) rewriting subdivision (b)(3) to read as follows:

"The applicant has a net worth equal to or exceeding the amount required by the insurer of the applicant's withdrawable accounts";

(d) rewriting subsection (d) to read as follows:

"(d) Not more than 10 days following the filing of the branch application with the Administrator, the applicant shall cause a notice to be published in a newspaper of general circulation in the area to be served by the proposed branch office. Such notice shall contain:

(1) A statement that the branch application has been filed with the Administrator;

(2) The proposed address of the branch office, including city or town and street; and

(3) A statement that any interested or affected party may file a written statement with the Administrator, within 30 days of the date of the publication of the notice, protesting the establishment of the proposed branch office and requesting a hearing before the Administrator on the application.";

(e) rewriting subsection (e) to read as follows:

"(e) Any interested or affected party may file a written statement with the Administrator within 30 days of the date of initial publication of the branch application notice, protesting the establishment of the proposed branch office

and requesting a hearing before the Administrator on the application. If a hearing is held on the branch application, the Administrator shall only receive information and hear testimony from the applicant and from any interested or affected party which is relevant to the branch application and the operation of the proposed branch office. The Administrator shall issue his final decision on the branch application within 30 days following the hearing. Such final decision shall be in accordance with the applicable provisions of Chapter 150A of the General Statutes.”;

(f) rewriting subsection (f) to read as follows:

“(f) If a hearing is not held on the branch application, the Administrator shall issue his final decision within 120 days of the filing of the application. Such final decision shall be in accordance with the applicable provisions of Chapter 150A of the General Statutes.”;

(g) deleting present subsections (g), (h) and (i); and

(h) renumbering present subsection (j) to be subsection (g).

Sec. 4. G.S. 54B-20, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is rewritten to read as follows:

“§ 54B-20. *Amendments to certificate of incorporation.*—(a) Any addition, alteration or amendment to the certificate of incorporation of any State association shall be made at any annual or special meeting of such association, held in accordance with the provisions of G.S. 54B-106 and G.S. 54B-107, by a majority of votes or shares cast by members or stockholders present in person or by proxy at such meeting. Any such addition, alteration or amendment shall be signed, submitted to the Administrator for his approval or rejection, and if approved, then certified and recorded as provided in G.S. 54B-14 for certificates of incorporation.

(b) Notwithstanding the provisions of subsection (a) of this section, any State association may change its registered office or its registered agent or both in accordance with the provisions of G.S. 55-14. A copy of the statement or certificate certified by the Secretary of State shall be filed in the office of the Administrator.”

Sec. 5. G.S. 54B-30, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by:

(a) rewriting the first two sentences in subsection (2) to read as follows:

“(2) A meeting of the members or stockholders shall be held upon not less than 15 days’ notice to each member or stockholder. Notice can be made either by mailing such to each member or stockholder, postage prepaid, to the last known address or by the board of directors causing to be published once a week for two weeks preceding such meeting, in a newspaper of general circulation published in the county where such association has its principle office, a notice of the meeting.”

(b) rewriting the first sentence in subsection (3) thereof to read as follows:

“At the meeting of the members or stockholders of such association, such members or stockholders may by affirmative vote of a majority of votes or shares present, in person or by proxy, resolve to convert said association to a federal savings and loan association.”

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Sec. 6. G.S. 54B-31, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by:

(a) rewriting the first two sentences in subsection (2) to read as follows:

“A meeting of the members or stockholders shall be held upon not less than 15 days’ notice to each member or stockholder. Notice can be made either by mailing such to each member or stockholder, postage prepaid, to the last known address or by the board of directors causing to be published once a week for two weeks preceding such meeting, in a newspaper of general circulation published in the county where such association has its principle office, a notice of the meeting.”

(b) rewriting the first sentence in subsection (3) to read as follows:

“At the meeting of the members or stockholders of such association, such members or stockholders may by affirmative vote of a majority of votes or shares present, in person or by proxy, resolve to convert said association to a State association.”

Sec. 7. G.S. 54B-33, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by adding a new subsection (g) to read as follows:

“(g) Notwithstanding the provisions of this section, any State mutual association maintaining FSLIC insurance of accounts coverage may convert from mutual to stock form of ownership by complying with the requirements for conversion from mutual to stock form of ownership imposed by the rules and regulations of the Federal Home Loan Bank Board as set forth in the Federal Register, Vol. 44, No. 62, Thursday, March 29, 1979, entitled ‘Part 563b Conversion From Mutual to Stock Form’ as amended from time to time and other applicable rules and regulations effective as of the date of ratification. Any such conversion shall have full force and effect as if such conversion were conducted pursuant to this section and the rules and regulations promulgated by the Administrator pursuant to subsection (f) of this section.”

Sec. 8. G.S. 54B-35, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by:

(a) deleting the word “State” each place that it is used in the first line thereof;

(b) changing the number “30” to “45” in the last sentence of subdivision (2) thereof;

(c) changing the number “30” to “20” in the first sentence of subdivision (3) thereof;

(d) rewriting the first sentence of subdivision (4) thereof to read as follows:

“At separate meetings of the members or stockholders of the respective associations, such members or stockholders may adopt, by an affirmative vote of a majority of the votes or shares present, in person or by proxy, a resolution to merge into a single association upon the terms of the merger agreement as shall have been agreed upon by the directors of the respective associations and as approved by the Administrator.”;

(e) deleting the second sentence of subdivision (4) thereof; and

(f) adding a new subdivision (6) to read as follows:

“(6) Notwithstanding any other provision of this section, the Administrator may waive any or all of the foregoing requirements upon finding that such

waiver would be in the best interest of the members or stockholders of the merging associations.”

Sec. 9. G.S. 54B-32, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by adding a new subsection (c) to read as follows:

“(c) The provisions of this section shall not apply to any simultaneous charter and ownership conversion accomplished in conjunction with a merger under the provisions of G.S. 54B-39.”

Sec. 10. G.S. 54B-39, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is rewritten to read as follows:

“§ 54B-39. *Merger of federal with State associations.*—(a) Any two or more associations, when one or more is a State association and one or more is a federal association operating in North Carolina, may merge to form one association under either a State or federal charter.

(b) The Administrator shall promulgate rules and regulations to facilitate the merger of federal and State associations.”

Sec. 11. G.S. 54B-44, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is rewritten to read as follows:

“§ 54B-44. *Supervisory mergers, consolidations, conversions, and combination mergers and conversions.*—(a) Notwithstanding any other provision of this Chapter, in order to protect the public, including members, depositors and stockholders of a State association, the Administrator, upon making a finding that a State association is unable to operate in a safe and sound manner, may authorize or require a short form merger, consolidation, conversion, or combination merger and conversion of the State association as to which the finding is made. The resulting association may be a mutual association or a stock association.

(b) The Administrator shall promulgate rules and regulations to govern supervisory mergers, consolidations, conversions, and combination mergers and conversions authorized by this section.”

Sec. 12. G.S. 54B-121(c)(2), as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by deleting the last sentence thereof which reads as follows:

“Associations shall mail to each natural person account holder, notification of the date of maturity of accounts at least 10 days prior to maturity.”

Sec. 13. G.S. 54B-122(3), as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by deleting the last sentence thereof.

Sec. 14. Chapter 54B, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by inserting a new Article following Article 6 to be numbered and to read as follows:

“Article 6A.

“Fee for Returned Checks.

“§ 54B-147. *Collection of processing fee for returned checks.*—Notwithstanding any other provision of law, a processing fee, not to exceed ten dollars (\$10.00), may be charged and collected by any association for checks (including Negotiable Orders of Withdrawals drafts) on which payment has

been refused by the payor depository institution because of insufficient funds or because the drawer did not have an account at that depository institution. An association may also collect said fee for checks drawn on that association with respect to an account with insufficient funds."

Sec. 15. G.S. 54B-160, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by placing a period after the word "originate" and deleting the remainder of the section.

Sec. 16. G.S. 54B-161, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is rewritten to read as follows:

"§ 54B-161. *Sale of loans.*—An association may sell any loan, including any participating interest in a loan."

Sec. 17. G.S. 54B-162, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by inserting a period after the phrase "it may deem proper" and deleting the remainder of the section.

Sec. 18. G.S. 54B-186, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is rewritten to read as follows:

"§ 54B-186. *Deposits in other associations.*—A State association may invest in withdrawable accounts of any association as approved by the board of directors."

Sec. 19. G.S. 54B-193, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by changing the catchline to read "*Loans on sufficient collateral; other investments.*"; and by designating the existing language as subsection (a) and adding a new subsection (b) to read as follows:

"(b) Subject to such limitations as the Administrator may prescribe by regulation, a State association may invest in any investment deemed appropriate by its board of directors."

Sec. 20. G.S. 54B-194(b), as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by deleting "five percent (5%)" and substituting "ten percent (10%)".

Sec. 21. G.S. 54B-210, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is amended by adding after the comma in the sixth line thereof and before the word "or" the following words and punctuation "or Government National Mortgage Association pass-through certificates, or Federal Home Loan Mortgage Corporation pass-through certificates,".

Sec. 22. G.S. 54B-102, as the same appears in the 1981 Cumulative Supplement to Volume 2B of the General Statutes of North Carolina, is rewritten to read as follows:

"§ 54B-102. *Employment policies.*—Employment policies appropriate for the transaction of the business of a State association may be set forth in the bylaws or established by resolution of the board of directors."

Sec. 23. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1645

CHAPTER 1239

AN ACT TO PROVIDE HEARING PROCEDURES FOR MOTORISTS WHOSE VEHICLES ARE TOWED AS A RESULT OF PARKING OR OTHER MOTOR VEHICLE LAW VIOLATIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read as follows:

"§ 20-161.2. *Hearing procedures for towed vehicles.*—(a) Whenever any vehicle is removed, towed, or stored pursuant to the provisions of this Chapter, Chapter 115C, Chapter 115D, Chapter 116 or Chapter 143 of the General Statutes, or any rule adopted pursuant thereto, the person authorizing the removal, towing, or storage of such vehicle shall be deemed a legal possessor within the meaning of G.S. 44A-2(d).

(b) Upon written request of the registered owner, lienholder, or person entitled to claim possession of any vehicle removed, towed, or stored, the magistrate in the county where the vehicle was removed, towed, or stored shall, as soon as practical, but in no event more than 24 hours from the request, conduct a hearing to determine whether probable cause existed for the removal, towing, or storage of the vehicle. Said request shall be made in a format approved by the Administrative Office of the Courts. An affidavit setting forth the reasons for and circumstances surrounding the removal, towing, or storage shall be admissible as evidence for the person authorizing the removal, towing, or storage of the vehicle, but shall not preclude the admission of testimony from or on behalf of the said person or other witnesses. The claimant shall be given an opportunity to present evidence. Following the hearing, the magistrate shall determine, from the evidence admitted, whether probable cause existed for the removal, towing, or storage of the vehicle. If the magistrate finds no probable cause existed, he shall issue an order so finding and directing the immediate release of the vehicle to the claimant. Notwithstanding any other provision of law, no person, firm, or corporation, who removes, tows, or stores a vehicle pursuant to this section may assert a mechanics lien for said removal, towing, or storage charges following a finding, by the magistrate pursuant to this section, of no probable cause for the removal, towing, or storage thereof. If the magistrate finds that probable cause existed for the initial removal, towing, or storage of the vehicle, the person actually removing, towing, or storing the vehicle shall have a mechanics lien against the vehicle for the removal, towing, or storage charges pursuant to Chapter 44A. If the claimant does not desire a hearing or if the magistrate finds probable cause following hearing, the claimant may obtain possession of the vehicle by:

- (1) payment of the removal, towing, or storage fees; or
- (2) posting bond in the amount of the removal, towing, or storage fees. Said bond shall be conditioned upon the filing, of an action as set forth below for the determination of the lawfulness of the removal, towing, or storage, and conditioned upon the return of the vehicle to the jurisdiction of the court at the time of trial. If no action is filed within 30 days to contest the lawfulness of the removal, towing, or storage, the Clerk of Superior Court shall pay the bond to the person, firm or corporation that actually removed, towed or stored the vehicle.

(c) Any claimant who has posted bond pursuant to subsection (b)(2) above and who seeks to contest the payment or the amount of the removal, towing or storage fee must, within 30 days of said posting, file a small claim action in the county where the vehicle was removed, towed, or stored, for the amount of the removal, towing, or storage fees and naming the person who authorized the removal, towing, or storage as a defendant, as well as the person, firm, or corporation who actually conducted the removal, towing, or storage. If, at trial, the court finds that the vehicle was lawfully removed, towed, or stored, it shall enter judgment against the party claiming the vehicle for the amount of the removal, towing, or storage fees. The court shall further order possession of the vehicle restored to the person, firm, or corporation who removed, towed, or stored the motor vehicle and further declare a valid and enforceable mechanics lien upon the vehicle in favor of said person, firm, or corporation, pursuant to Chapter 44A, for the amount of the removal, towing, or storage fees. If the court finds the removal, towing, or storage was in violation of law, it shall order the immediate release of the motor vehicle and any bond remitted to the claimant. Upon any claimant's failure to appear at trial, the court shall order the bond forfeited, and the proceeds to the person, firm, or corporation who actually removed, towed, or stored the vehicle. No law enforcement officer, or other person authorized to enforce any of the provisions of this Chapter, Chapter 115C, Chapter 115D, Chapter 116 or Chapter 143, shall be held liable to any person, firm, or corporation who removes, tows, or stores a motor vehicle at the request or direction of the law enforcement officer or other such person. Any appeal from the ruling of the court shall be as in all other small claim actions.

(d) The provisions of this section shall not abrogate any rights of the claimant or the person, firm or corporation who removes, tows or stores a motor vehicle against any party for claims arising out of the removal, towing or storage.

(e) Every agency whose law enforcement officers act pursuant to this statute shall, by contract or regulations, provide compensation to the person, firm or corporation who actually removed, towed, or stored the vehicle if the court finds the removal, towing or storage was without probable cause."

Sec. 2. G.S. 115C-46(d), as the same appears in the 1981 Cumulative Supplement to Volume 3A of the General Statutes, 1978 Replacement, is hereby amended on lines 7 and 8 by deleting "and the registered owner of such vehicle shall become liable for removal and storage charges." and substituting in lieu thereof the words and punctuation "subject to the lien creation, notice and hearing provisions of G.S. 20-161.2."

Sec. 3. G.S. 116-44.4(i), as the same appears in Volume 3A of the General Statutes, 1978 Replacement, is hereby amended by rewriting the first sentence to read:

"An ordinance adopted under any portion of this Part may provide that any vehicle illegally parked may be removed to a storage area subject to the lien creation, notice and hearing provisions of G.S. 20-161.2."

Sec. 4. G.S. 143-340(19), as the same appears in the 1981 Cumulative Supplement to Volume 3C of the General Statutes, 1978 Replacement, is hereby amended on lines 6 and 7 by deleting the words and punctuation "and the registered owner of such vehicle shall become liable for removal and storage charges." and by substituting in lieu thereof the words and punctuation "subject to the lien creation, notice and hearing provisions of G.S. 20-161.2."

Sec. 5. This act shall become effective August 1, 1982 and shall expire on July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1657 CHAPTER 1240

AN ACT REGARDING THE EFFECT OF ABC STORE ELECTIONS ON WINE SALES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-603(c)(2) is amended by changing the period to a comma and adding the following:

“except that neither on-premises nor off-premises unfortified wine permits may be issued in a jurisdiction if:

- a. the jurisdiction approved ABC stores before the effective date of this Chapter;
- b. the jurisdiction held an unfortified wine election before the effective date of this Chapter; and
- c. in that unfortified wine election, the jurisdiction did not approve either on-premises or off-premises sales of unfortified wine.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 572 CHAPTER 1241

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT TERMS OF LEGISLATORS BEGIN ON JANUARY FIRST FOLLOWING THEIR ELECTION.

The General Assembly of North Carolina enacts:

Section 1. Section 9 of Article II of the North Carolina Constitution is rewritten to read:

“Sec. 9. Term of office. The term of office of Senators and Representatives shall commence on the first day of January next after their election.”

Sec. 2. The amendment set forth in Section 1 shall be submitted to the qualified voters of the State at the statewide general election to be held on Tuesday, November 2, 1982, which election shall be conducted under the laws then governing elections in the State. At that election, each qualified voter who desires to vote shall be provided a ballot on which shall be printed the following:

“☐ FOR constitutional amendment providing that the term of office of members of the General Assembly begins on the first day of January following their election.

“☐ AGAINST constitutional amendment providing that the term of office of members of the General Assembly begins on the first day of January following their election.”

Those voters favoring the amendment shall vote by marking an “X” or a check mark in the square beside the statement beginning “FOR”, and those voters opposed to the amendment shall vote by marking an “X” or a check mark in the square beside the statement beginning “AGAINST”.

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Notwithstanding the foregoing provisions of this section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 3. If a majority of votes cast thereon are in favor of the amendment, the State Board of Elections shall certify the amendment to the Secretary of State who shall enroll the amendment so certified among the permanent records of his office. The amendment shall become effective upon certification and shall apply to members of the General Assembly elected in the 1982 general election so that their terms shall begin on January 1, 1983.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 706

CHAPTER 1242

AN ACT TO AMEND THE NORTH CAROLINA HEALTH PLANNING AND RESOURCE DEVELOPMENT ACT OF 1978 CONCERNING EXEMPTIONS.

The General Assembly of North Carolina enacts:

Section 1. (a) Section 4 of Chapter 1182, Session Laws of 1977 (Second Session 1978) is amended by adding immediately after the third paragraph the following new paragraph:

“Provided, that, notwithstanding the previous two paragraphs, this act shall apply to any project described in either of those two paragraphs or exempt from this act because construction had commenced prior to June 16, 1978, unless, prior to January 1, 1983:

- (1) sufficient land has been acquired for the project;
- (2) all necessary building permits and zoning or subdivision approval has been obtained;
- (3) a construction contract has been awarded and payments have been made on the construction contract; and
- (4) either foundation walls for the project have been raised above grade level, or if a building or buildings existed on that site on January 1, 1983, a contract has been signed to raze them and total or partial demolition has taken place.

Provided further, that this paragraph does not apply to any project required to be licensed under Article 13A of Chapter 131 of the General Statutes.”

(b) Any beds released as a result of tests set forth in subsection (a) of this section shall be placed in a statewide pool, from which allocations can be made, with first priority being given to those counties which do not have at least one skilled care or one intermediate care facility.”

Sec. 2. If any section or provision of this act is declared unconstitutional or invalid by the courts, the decision of the court shall not affect the validity of the act as a whole or the validity of any part other than the part declared to be unconstitutional or invalid.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 751

CHAPTER 1243

AN ACT TO PROVIDE CONTEMPT POWERS FOR THE INDUSTRIAL COMMISSION AND TO AMEND THE NOTICE OF ACTION PROVISION IN THE EMINENT DOMAIN LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-79(b) is amended by adding after "conduct hearings," the following: "hold persons, firms or corporations in contempt as provided in Chapter 5A of the General Statutes."

Sec. 2. The second sentence of G.S. 97-80(a) is amended by adding after "administered oaths," the following: "hold persons, firms or corporations in contempt as provided in Chapter 5A of the General Statutes,".

Sec. 3. G.S. 40A-40 is rewritten to read:

"Not less than 30 days prior to the filing of a complaint under the provisions of G.S. 40A-41, a public condemnor listed in G.S. 40A-3(b) or (c) shall provide notice to each owner (whose name and address can be ascertained by reasonable diligence) of its intent to institute an action to condemn property. (The notice shall be sent to each owner by certified mail, return receipt requested. The providing of notice shall be complete upon deposit of the notice enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service. Notice by publication is not required. Notice to an owner whose name and/or address cannot be ascertained by reasonable diligence is not required in any manner.)

The notice shall contain a general description of the property to be taken and of the amount estimated by the condemnor to be just compensation for the property to be condemned. The notice shall also state the purpose for which the property is being condemned and the date condemnor intends to file the complaint."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 31

CHAPTER 1244

AN ACT TO CLARIFY THE EXEMPTION FROM PROPERTY TAXES FOR FACILITIES INSIDE A PLANT, BY REMOVING A REQUIREMENT THAT THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT CERTIFY THE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-275(8)b. is recodified as G.S. 105-275(28).

Sec. 2. G.S. 105-275(8)a. is rewritten and recodified to read:

"§ 105-275(27)a. 1. Real and personal property that is used, or if under construction, is to be used for air cleaning or to abate, reduce or prevent the pollution of air or water as defined in G.S. 143-213. It shall also include waste lagoons or facilities owned by public or private utilities and used to provide sewer service to residential areas not otherwise having such service. This exclusion shall be applicable only to property having as its primary purpose the prevention, control, abatement or reduction of air pollution resulting from the emission of air contaminants or water pollution resulting from the discharge of sewage and waste.

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2. Real and personal property that is used, or if under construction, is to be used to abate, reduce or prevent the pollution of air as defined in G.S. 143-213 without the restriction that the air contaminants be present in the outdoor atmosphere, but only if:

- (i) the property is for the reduction of air pollution existing solely within commercial or industrial plants, works, or shops; and
- (ii) the property has as its primary purpose the prevention, control, abatement, or reduction of air pollution; and
- (iii) the property has as a purpose the protection of the health of the employees at the plant, work, or shop.

b. To claim the exclusions provided in subdivisions 1 or 2 of subdivision a. the owner shall file an application for exemption as required in G.S. 105-282.1 with the tax supervisor of the county in which the property is situated during the regular listing period each year. There shall be submitted with the application a complete description of the property claimed as exempt and any other information requested by the tax supervisor to enable him to determine that the property comes within the provisions of this classification and its value.

c. In making such determination, the tax supervisor is hereby empowered to inspect any property claimed as exempt under this classification. He may also request assistance from the Department of Natural Resources and Community Development, the Department of Labor or other appropriate agency for this purpose. The named departments shall provide such assistance upon request.

d. The Department of Revenue, with the assistance of the Department of Natural Resources and Community Development, or the Department of Labor as appropriate shall promulgate appropriate rules and regulations to facilitate the administration of this subdivision (27). Such rules and regulations shall include listings of classes, types, or models of equipment which qualify for the exemption."

Sec. 3. This act shall become effective January 1, 1983, except that proposed G.S. 105-275(27)d. is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 67 CHAPTER 1245

AN ACT TO EQUALIZE BETWEEN MARRIED PERSONS THE RIGHT TO INCOME, POSSESSION, AND CONTROL IN PROPERTY OWNED CONCURRENTLY IN TENANCY BY THE ENTIRETY.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of G.S. Chapter 39 is amended by adding a new section to be numbered 39-13.6 and to read as follows:

"§ 39-13.6 *Control of real property held in tenancy by the entirety.*—(a) A husband and wife shall have an equal right to the control, use, possession, rents, income, and profits of real property held by them in tenancy by the entirety. Neither spouse may bargain, sell, lease, mortgage, transfer, convey or in any manner encumber any property so held without the written joinder of the other spouse. This section shall not be construed to require the spouse's joinder where a different provision is made under G.S. 39-13, G.S. 39-13.3, G.S. 39-13.4, or G.S. 52-10.

(b) A conveyance of real property, or any interest therein, to a husband and wife vests title in them as tenants by the entirety when the conveyance is to:

- (1) a named man 'and wife,' or
- (2) a named woman 'and husband,' or
- (3) two named persons, whether or not identified in the conveyance as husband and wife, if at the time of conveyance they are legally married; unless a contrary intention is expressed in the conveyance.

(c) This section shall apply to all conveyances on and after January 1, 1983. For income tax purposes effective for taxable years beginning on and after January 1, 1983, the income from property held in tenancy by the entirety shall be reportable 1/2 (one-half) by each spouse regardless of when the conveyance of the property was made."

Sec. 2. This act shall become effective on January 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1119 CHAPTER 1246

AN ACT TO ALLOW A FUEL TAX REFUND FOR VOLUNTEER RESCUE SQUADS.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 105-446.1 is amended by inserting the phrase "volunteer rescue squads," between the phrase "county fire departments," and the word "and" following that phrase.

Sec. 2. The second sentence of G.S. 105-446.1 is amended by inserting the phrase " , volunteer rescue squad" between the words "county fire department" and the words "or 'sheltered workshop'".

Sec. 3. This act shall become effective July 1, 1983, and shall apply to fuel purchased on and after that date.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1325 CHAPTER 1247

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PERMIT THE ISSUANCE OF TAX INCREMENT BONDS WITHOUT VOTER APPROVAL.

The General Assembly of North Carolina enacts:

Section 1. Article V of the Constitution of North Carolina is amended by adding a new section to be designated as Section 11, to read as follows:

"Sec. 11. Notwithstanding Section 4 of this Article or any other provision of this Constitution, the General Assembly may enact general laws authorizing any city or town to define territorial areas in or near the central business district of the city or town and borrow money, without need of voter approval, to be used to finance public activities in downtown development projects within such territorial areas. When a territorial area is defined pursuant to this paragraph, the current assessed value of taxable property situated in the area shall be determined. Thereafter, property situated in the territorial area continues to be subject to taxation to the same extent and in like manner as property not situated in such a territorial area; but the net proceeds of those

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taxes that are levied on the difference, if any, between the assessed value of taxable property situated in the district at the time the taxes are levied and the assessed value of taxable property situated in the district at the time the area was defined shall be set aside. Those set aside proceeds and any other revenues arising from the public activities undertaken in the territorial area and pledged in the bond order authorizing the bonds shall be the sole security for any bonds issued pursuant to this section."

Sec. 1.1. If either or both of the constitutional amendments proposed by Chapters 808 and 987 and Chapter 887 of the 1981 Session Laws is approved by the voters, the amendment proposed by this act shall be renumbered appropriately.

Sec. 2. The constitutional amendment set forth in Section 1 of this act shall be submitted to the qualified voters of the State for their ratification or rejection at the general election on November 2, 1982. At that election each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

☐ FOR Constitutional amendment permitting the General Assembly to enact general laws permitting issuance of tax increment bonds, without voter approval.

☐ AGAINST Constitutional amendment permitting the General Assembly to enact general laws permitting issuance of tax increment bonds, without voter approval."

Those qualified voters favoring the amendment shall vote by making an "X" or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to the amendment shall vote by making an "X" or a check mark in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 3. If a majority of votes cast thereon are in favor of the amendment, the State Board of Elections shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of his office, and the amendment shall become effective upon such certification.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1487 CHAPTER 1248

AN ACT TO PROVIDE FOR THE DE-ANNEXATION OF A CERTAIN AREA FROM THE LUMBERTON CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina enacts:

Section 1. The area affected by this legislation is as identified and described in Chapter 443 of the North Carolina Session Laws of 1969 with such description being incorporated herein by reference.

Sec. 2. That said area shall become a part of the Robeson County School Administrative Unit for all purposes on the effective date of this act, except as expressly provided herein.

Sec. 3. That the supplemental tax heretofore levied on the property located in said area is abrogated.

Sec. 4. Since the area will not be a part of the County School Administrative Unit until after the 29 June 82 Primary, the qualified voters in the area shall not be eligible to vote in the Primary or Second Primary, but shall be eligible to vote in the General Election.

Sec. 5. That the Robeson County Board of Education shall be empowered to modify the electoral scheme for the members thereof pursuant to the provisions of the Plan of Merger and Consolidation of the Maxton City Board of Education and the Robeson County Board of Education on file with the Secretary of State.

Sec. 6. That the Robeson County Board of Education and the Lumberton Board of Education are authorized and empowered by mutual agreement to provide for the orderly transfer of said area into the Robeson County School Administrative Unit, including the assignment of pupils to particular schools in each school unit, the affording of bus transportation, and the charging of reasonable tuition to students.

Sec. 7. That all laws and clauses of laws in conflict with the provisions hereof are hereby repealed to the extent necessary to give effect to the provisions hereof.

Sec. 8. Sections 1 through 7 of this act shall only become effective if the Lumberton City Board of Education and the Robeson County Board of Education both adopt a resolution prior to July 1, 1982, to place the act into effect. Such resolution may not be adopted until after the two boards have held a joint public hearing, with notice of that hearing having been given at least five days before the hearing in a newspaper in Robeson County. If both boards adopt such a resolution, then Sections 1 through 7 of this act shall become effective July 1, 1982. This Section is effective upon ratification. A copy of any resolution adopted under this Section shall be filed with the Secretary of State.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1488 CHAPTER 1249

AN ACT TO DE-ANNEX TERRITORY FROM THE ROBESON COUNTY ADMINISTRATIVE SCHOOL UNIT AND ANNEX IT TO THE LUMBERTON CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina enacts:

Section 1. The following described territory is de-annexed from the Robeson County Administrative School Unit and annexed to the Lumberton City Administrative School Unit:

BEGINNING at a point in the northern line of the present Lumberton City School district at the intersection of the center of the V. & C. S. Railroad with the northern line of the lands now or formerly owned by Margaret French McLean and running thence along the northern line of the Lumberton City School District and along the northern line of said Margaret French McLean tract north 85 degrees west crossing paved secondary road no. 1005, better known as the Barker 10 Mile Road to a stake in the northern line of the present Lumberton City School District, the southwestern corner of tract no. 1 in the division of Mrs. W. J. Powers Estate, as shown on a map of same recorded in

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Map Book 8 Page 16 in the office of the Register of Deeds of Robeson County; thence along the western line of said tract No. 1 ; North 84 degrees 45 minutes west 26.19 chains to a stake; thence north 6 degrees 45 minutes east 19.50 chains to a corner; thence north 61 minutes east 13.40 chains to the Burns corner; thence continuing along the line of the lands of John R. Burns North 61 degrees East 10.00 chains to a stake, the most Northern corner of said 33 acre tract; thence continuing along the lines of the land of John R. Burns South 70 degrees East to a stake in said line at its intersection with the center line of the V. & C. S. Railroad; thence in a southern direction along the center of the V. & C. S. Railroad to a stake at the intersection of the center of paved secondary Road no. 1005, Better known as the Barker Ten Mile Road; thence along the center of said paved secondary Road No. 1005 in a Southwesterly direction to a point in the center of said road at its intersection with the extension of the Northern line of that 1/2 acre lot now owned by W. J. Powers by Deed recorded in Deed Book 18-F at Page 397; thence to, as, and beyond the Northern line of said 1/2 acre lot in a Southeasterly direction to a stake in the center of the V. & C. S. Railroad; thence along the center of said V. & C. S. Railroad in a Southern direction to the beginning.

Sec. 2. Section 1 of this act shall only become effective if the Lumberton City Board of Education and the Robeson County Board of Education both adopt a resolution prior to July 1, 1982, to place the act into effect. Such resolution may not be adopted until after the two boards have held a joint public hearing, with notice of that hearing having been given at least five days before the hearing in a newspaper in Robeson County. If both boards adopt such a resolution, then Section 1 of this act shall become effective July 1, 1982. This section is effective upon ratification. A copy of any resolution adopted under this section shall be filed with the Secretary of State.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1540

CHAPTER 1250

AN ACT TO ALLOW THE CITY OF RALEIGH TO INCREASE THE TAX LEVY ON MOTOR VEHICLES TO A MAXIMUM OF FIVE DOLLARS.

Whereas, a one dollar (\$1.00) tax per year upon resident motor vehicles is not cost effective to collect; and

Whereas, the City Council of the City of Raleigh has requested that an improved adjustment of the motor vehicle tax be made; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-97(a) is hereby amended by adding immediately after the words "City of Charlotte" each time those words appear the words ", the City of Raleigh,".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1582 CHAPTER 1251

AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE CUMBERLAND AND WAYNE COUNTY BOARD OF ALCOHOLIC CONTROL FROM THREE TO FIVE MEMBERS AND TO ALLOW THE REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE LOTS IN THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 18B-700(a), the Cumberland County ABC Board shall consist of five members. To increase the size of the board from three to five, two new members shall be appointed at the same time of the next regular appointment. One of these new members shall serve an initial term of one year, and the other shall serve an initial term of two years. Thereafter, the terms shall be three years.

Sec. 2. Notwithstanding G.S. 18B-700(a), the Wayne County ABC Board shall consist of five members. When the present vacancy on the board is filled, the two new members authorized by this act shall be appointed, one to serve until May 15, 1983 and one to serve until May 15, 1984. Thereafter, their successors shall serve three year terms.

Sec. 3. G.S. 20-219.2(c) is amended on line 3 after the word "Durham" by deleting "and Charlotte" and inserting in lieu thereof "Charlotte and Fayetteville".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1437 CHAPTER 1252

AN ACT TO PROVIDE FOR ADMINISTRATION OF CHARITABLE REMAINDER TRUSTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 36A of the General Statutes is amended by adding a new Article to read:

"ARTICLE 4A.

"Charitable Remainder Trusts Administration Act.

"§ 36A-55. *Short title.*—This Article shall be known as the Charitable Remainder Trusts Administration Act.

"§ 36A-56. *General rule.*—Notwithstanding any provisions in the laws of this State or in the governing instruments to the contrary, any charitable remainder annuity trust and any charitable remainder unitrust that cannot qualify for a deduction for federal tax purposes under § 2055 or § 2522 of the Code in the absence of this Article shall be administered in accordance with this Article.

"§ 36A-57. *Definitions.*—The following definitions apply to this Article unless the context clearly requires otherwise:

(1) 'Charitable remainder trust' means a trust that provides for a specified distribution at least annually for either life or a term of years to one or more beneficiaries, at least one of which is not a charity, (hereinafter referred to as 'beneficiaries') with an irrevocable remainder interest to be held for the benefit of, or paid over to, charity. For purposes of this Article, only a charitable

remainder annuity trust or a charitable remainder unitrust is considered a charitable remainder trust.

(2) 'Charitable remainder annuity trust' means a charitable remainder trust:

- a. from which a sum certain (which is not less than five percent (5%) of the initial net fair market value of all property placed in trust) is to be paid at least annually to one or more persons (at least one of which is not an organization described in §170(c) of the Code and, in the case of individuals, only to an individual who was living at the time of the creation of the trust) for a term of years (not in excess of 20 years) or for the life or lives of such individual or individuals;
- b. from which no amount other than the payments described in a. above may be paid to and/or for the use of anyone other than an organization that is or was described in §170(c) of the Code; and
- c. following the termination of the payments described in a. above, the remainder interest in the trust is to be transferred to, or for the use of, an organization that is or was described in §170(c) of the Code or is to be retained by the trust for such a use.

(3) 'Charitable remainder unitrust' means a charitable remainder trust:

- a. from which a fixed percentage (which is not less than five percent (5%)) of the net fair market value of its assets, valued annually, is to be paid at least annually to one or more persons (at least one of which is not an organization described in §170(c) of the Code and, in the case of individuals, only to an individual who was living at the time of the creation of the trust) for a term of years (not in excess of 20 years) or for the life or lives of such individual or individuals;
- b. from which no amount other than the payments described in a. above may be paid to or for the use of anyone other than an organization that is or was an organization described in §170(c) of the Code; and
- c. following the termination of the payments described in a. above, the remainder interest in the trust is to be transferred to, or for the use of, an organization that is or was described in §170(c) of the Code, or is to be retained by the trust for such a use.

Notwithstanding the provisions of a. and b. above, the trust instrument may provide that the trustee shall pay to the income beneficiary for any year (i) the amount of the trust income if that amount is less than the amount required to be distributed under a. above, and (ii) any amount of the trust income that exceeds the amount required to be distributed under a. above to the extent that (by reason of a.) the aggregate of the amounts paid in prior years is less than the aggregate of the required amounts.

(4) 'Code' means the Internal Revenue Code of 1954 as amended.

"§ 36A-58. *Administrative provisions applicable to both charitable remainder annuity trusts and charitable remainder unitrusts.*—(a) Creation of remainder interests in charity. Upon the termination of the noncharitable interests, the trustee shall distribute all of the then principal and income of the trust, other than any amount due the noncharitable beneficiary or beneficiaries, to the designated charity or charities, or shall hold the property in trust for the designated charity or charities in accordance with the terms of the trust document.

(b) Selection of alternate charitable beneficiary if remaindermen do not qualify under §170(c) of the Code at time of distribution. If the designated

charity is not an organization described in § 170(c) of the Code at the time when any principal or income of the trust is to be distributed to it, the trustee shall distribute the principal or income to one or more organizations then described in § 170(c) of the Code selected in accordance with the terms of the trust instrument. If the trust instrument does not provide for a method of selecting alternate charitable beneficiaries that are then qualified under § 170(c) of the Code, the trustee shall, in his sole discretion, select alternate trust beneficiaries that are qualified under § 170(c) of the Code.

(c) Prohibitions governing trustees. Except for payment of the annuity amount or the unitrust amount to the beneficiaries, whichever is applicable the trustee is prohibited from engaging in any act of self-dealing as defined in § 4941(d) of the Code, retaining any excess business holdings as defined in § 4943(c) of the Code that would subject the trust to tax under § 4943 of the Code, making any investments that would subject the trust to tax under § 4944 of the Code, and making any taxable expenditures as defined in § 4945(d) of the Code. The trustee shall make distributions at such time and in such manner as not to subject the trust to tax under § 4942 of the Code.

(d) Distribution to charity during term of noncharitable interests and distributions in kind. If the governing instrument of the trust provides for distribution to charity during the term of the noncharitable interests, the trustee may pay to the designated charity the amounts specified in the governing instrument that exceed the annuity amount or the unitrust amount payable to any of the beneficiaries for the taxable year of the trust in which the income is earned. If the governing instrument of the trust provides for distribution to charity in kind, the adjusted basis for federal income tax purposes of any trust property the trustee distributes in kind to charity during the term of the noncharitable interests must be fairly representative of the adjusted basis for such purposes of all trust property available for distribution on the date of distribution.

(e) Investment restrictions on trustee. Nothing in the trust instrument shall be construed to restrict the trustee from investing the trust assets in a manner that could result in the annual realization of a reasonable amount of income or gain from the sale or disposition of trust assets.

(f) Distribution from trust used to administer an estate to charitable remainder trust. If the governing instrument of a revocable inter vivos trust provides that the revocable inter vivos trust will be used partially to administer the estate of the grantor or for some other purpose, and further provides the assets will then be distributed to another trust that is a charitable remainder trust, upon the death of the grantor, or upon the occurrence of any event that causes the trust to become irrevocable, the trust shall become irrevocable and the trustee of this trust shall perform any remaining duties or obligations provided for in the trust instrument and then transfer the property specified in the governing instrument to the trustee of the charitable remainder trust to be held, administered and distributed in the manner and according to the terms and conditions provided by the charitable remainder trust.

“§ 36A-59. *Administrative provisions applicable to charitable remainder annuity trusts only.*—(a) Creation of annuity amount for period of years or life. The trustee shall pay the annuity amount designated in the trust instrument to the beneficiaries named in the trust instrument during their lives (or if the governing instrument so provides, for a period of 20 years or less) in each

taxable year of the trust. The annuity amount shall be paid annually or in more frequent equal or unequal installments if the governing instrument so provides. The annuity amount shall be paid from income, and, to the extent that income is not sufficient, from principal. Any income of the trust for a taxable year in excess of the annuity amount shall be added to principal.

The total amount payable at least annually to a person or persons named in the trust document, at least one of which is not an organization described in § 170(c) of the Code, may not be less than five percent (5%) of the initial net fair market value of the property placed in trust as finally determined for federal tax purposes, except as provided in subsection (g).

(b) Computation of annuity amount in short and final taxable years. For a short taxable year and for the taxable year in which the noncharitable beneficiary's interest terminates by death or otherwise, the trustee shall prorate the annuity amount on a daily basis.

(c) Prohibition of additional contributions. No additional contributions shall be made to the trust after the initial contribution.

(d) Deferral of annuity amount during period of administration or settlement. When property passes to the trust at the death of the grantor, the obligation to pay the annuity amount commences with the date of death of the grantor, but payment of the annuity amount may be deferred from the date of the grantor's death to the end of the taxable year in which complete funding of the trust occurs. Payment of the annuity amount so deferred, plus interest computed at six percent (6%) a year, compounded annually, shall be made within a reasonable time after the close of the taxable year in which complete funding occurs.

(e) Dollar amount annuity may be stated as fraction or percentage. If the governing instrument of the trust states the amount of the annuity as a fraction or a percentage, the trustee shall pay to the beneficiaries in each taxable year of the trust during their lives an annuity amount equal to a percentage (that percentage being stipulated in the governing instrument of the trust and, in any event, being five percent (5%) or greater) of the initial net fair market value of the assets constituting the trust. In determining this amount, assets shall be valued at their values as finally determined for federal tax purposes. If the fiduciary incorrectly determines the initial net fair market value of the assets constituting the trust, then, within a reasonable period after a final determination, the trustee shall pay to the beneficiaries in the case of an undervaluation or shall receive from the beneficiaries in the case of an overvaluation an amount equal to the difference between the annuity amount properly payable and the annuity amount actually paid.

(f) Annuity amount may be allocated among class of noncharitable beneficiaries in discretion of trustee. If the governing instrument of the trust provides that the annuity trust amount may be allocated among a class of noncharitable beneficiaries in the discretion of the trustee, then the trustee shall pay the annuity amount, which is defined in the governing instrument of the trust, in each taxable year of the trust to the member or members of the class of noncharitable beneficiaries in such amount and proportions as the trustee in its absolute discretion shall from time to time determine until the last of the noncharitable beneficiaries dies. The trustee may pay the entire annuity amount to one member of this class or may apportion it among the various members in such manner as the trustee shall from time to time deem

advisable as long as the power to allocate does not cause any person to be treated as the owner of any part of the trust under the rules of § 671 through § 678 of the Code. If the class provided for in the governing instrument is open, then the distribution shall be for a period of years not to exceed 20, notwithstanding a provision to the contrary in the trust instrument. If the class provided for in the governing instrument is closed at the creation of the trust, and all members of the class are ascertainable, the distribution may be for the lives of the members of the class or for a period not exceeding 20 years. The trustee shall pay the entire annuity amount for each taxable year annually and may not delay payment of the annuity amount.

(g) Reduction of annuity amount if part of corpus is paid to charity at expiration of term of years or on death of recipient. If the governing instrument of the trust provides for the reduction of the annuity amount if part of the corpus is paid to charity at the expiration of a term of years or upon the death of a recipient, then during the term of years or during the joint lives of the noncharitable beneficiaries, the trustee shall, in each taxable year of the trust, pay a total annuity amount of at least five percent (5%) of the initial net fair market value of the assets placed in trust. Upon the expiration of the term of years or the death of a beneficiary, the trustee shall distribute an amount or percentage of the trust assets, as provided in the governing instrument of the trust, to the charity named in the governing instrument, and thereafter, the trustee shall pay, annually or in more frequent installments, to the survivors for their lives, an annuity amount that in each taxable year of the trust, bears the same ratio to five percent (5%) of the initial net fair market value of the trust assets as the net fair market value of the trust assets valued as of the date of distribution, less the amount or percentage of trust assets distributed to the charity, bears to the net fair market value of the trust assets as of the date of distribution.

(h) Termination of annuity amount on payment date preceding termination of noncharitable interest. If the governing instrument of the trust provides that payment of the annuity amount may terminate with the regular payment preceding the termination of all noncharitable interests, then the trustee shall pay to the noncharitable beneficiary during the term of the noncharitable interest the annuity amount, defined in the trust document, in each taxable year of the trust. The obligation of the trustee to pay the annuity amount shall terminate with the payment preceding the death of the noncharitable beneficiary or other event that terminates the noncharitable interest.

(i) Retention of testamentary power to revoke noncharitable interest. If the governing instrument of the trust provides that the grantor of the trust shall retain the power, exercisable only by will, to revoke or terminate the interest of any recipient other than an organization described in § 170(c) of the Code, then the trustee shall pay to the grantor during his life the annuity amount, as defined in the governing instrument of the trust, and, upon the death of the grantor, if the noncharitable beneficiary survives the grantor the trustee shall pay to the noncharitable beneficiary during his life the annuity amount equal to the amount paid to the grantor. The grantor shall have the power, exercisable only by his will, to revoke and terminate the interest of the noncharitable beneficiary under the trust. Upon the first to occur of (i) the death of the survivor of the grantor and noncharitable beneficiary or (ii) the death of the grantor if he effectively exercised his testamentary power to revoke and

terminate the interest of the noncharitable beneficiary, the trustee shall distribute all of the then principal and income of the trust, other than any amount due the grantor or noncharitable beneficiary, to the charity named in the trust document or, if the governing instrument so provides, the trustee shall continue to hold the principal and income in trust for the charity or for the charitable purposes specified in the trust. No other retained power to terminate an interest in the trust shall be effective.

“§ 36A-59.1. *Administrative provisions applicable to charitable remainder unitrusts only.*—(a) Creation of unitrust amount for a period of years or life. The trustee shall pay to the beneficiaries named in the trust instrument in each taxable year of the trust during their lives, or, if the governing instrument so provides, for a period not exceeding 20 years, a unitrust amount equal to a fixed percentage, as stated in the governing instrument of the trust, of the net fair market value of the trust assets valued annually on the date or by the method designated in the governing instrument of the trust or, if no date or method is specified, on the date or by the method selected by the trustee in his discretion, so long as the same valuation date or dates or valuation methods are used each year. The unitrust amount shall be paid annually or in more frequent equal or unequal installments if the governing instrument so provides. The unitrust amount shall be paid from income, and, to the extent that income is not sufficient, from principal. Any income of the trust for a taxable year in excess of the unitrust amount shall be added to principal.

The fixed percentage to be paid at least annually to all beneficiaries cannot be less than five percent (5%).

(b) Unitrust amount expressed as the lesser of income or a fixed percentage. If the governing instrument of the trust provides that the trustee shall pay, instead of a regular unitrust amount (the fixed percentage of the net fair market value of the trust assets, determined annually), the amount of trust income for the taxable year to the extent that this amount is not greater than the amount required to be distributed as a regular unitrust amount for that taxable year and/or the amount of the trust income for the taxable year that exceeds the regular unitrust amount for that taxable year to the extent that the aggregate of the amounts paid in prior years is less than the aggregate of the regular unitrust amount for those prior years, then the trustee shall pay to the beneficiaries in each taxable year of the trust during their lives, or for a period not exceeding 20 years if the trust agreement so provides, an amount equal to the lesser of (i) the trust income for the taxable year, as defined in § 643(b) of the Code and the regulations thereunder, and (ii) the percentage, as stated in the governing instrument, of the net fair market value of the trust assets valued as of the taxable year decreased as elsewhere provided if the taxable year is a short taxable year or is the taxable year in which the noncharitable interest terminates by death or otherwise, and increased as elsewhere provided if additional contributions are made in the taxable year.

If the governing instrument of the trust so provides and if the trust income for any taxable year exceeds the amount determined under (ii) above, the payment to beneficiaries shall also include the excess income to the extent that the aggregate of the amounts paid to beneficiaries in prior years is less than the percentage of the aggregate net fair market value of the trust assets, which percentage is defined in the governing instrument of the trust, for these years. Payments to beneficiaries shall be made annually or in more frequent equal or

unequal installments if the governing instrument so provides. Any income of the trust in excess of such payments shall be added to principal.

(c) Adjustment for incorrect valuation. If the fiduciary incorrectly determines the net fair market value of the trust assets for any taxable year, the trustee shall, within a reasonable period after the final determination of the correct value, pay to the beneficiaries in the case of an undervaluation or receive from the beneficiaries in the case of an overvaluation an amount equal to the difference between the unitrust amount properly payable and the unitrust amount actually paid.

(d) Computation of unitrust amount in short and final taxable years. For a short taxable year and for the taxable year in which the noncharitable beneficiary's interest terminates by death or otherwise, the trustee shall prorate the unitrust amount on a daily basis. If a trust provides for a valuation date other than the first day of the taxable year, and the valuation date does not occur in a taxable year of the trust because the taxable year is either a short taxable year or is the taxable year in which the noncharitable interests terminate, the trust assets shall be valued as of the last day of the short taxable year or the day on which the noncharitable interests terminate, as appropriate.

(e) Additional contributions. If the governing instrument does not prohibit additional contributions and additional contributions are made to the trust after the initial contribution in the trust, the unitrust amount for the taxable year in which the additional contributions are made shall be a fixed percentage, as stated in the governing instrument of the trust, of the sum of (i) the net fair market value of trust assets, excluding the additional contributions and any income from or appreciation of these contributions and (ii) that proportion of the value of the additional contributions excluded under (i) which the number of days in the period beginning with the date of contribution and ending with the earlier of the last day of the taxable year or the day the noncharitable beneficiary's interest terminated bears to the number of days in the period beginning on the first day of the taxable year and ending with the earlier of the last day in the taxable year or the day the noncharitable beneficiary's interest terminated. If no valuation date occurs after the contributions are made, the assets so added shall be valued as of the time of contribution.

(f) Deferral of unitrust amount during period of administration or settlement. When property passes to the trust at the death of the grantor, the obligation to pay the unitrust amount commences with the date of the grantor's death, but payment of the unitrust amount may be deferred from the date of the grantor's death to the end of the taxable year of the trust in which complete funding of the trust occurs. Within a reasonable time after the occurrence of this event, the trustee shall pay the amount determined under the method described in Treasury Regulation § 1.664-1(a)(5)(ii) less the sum of any amounts previously distributed, including interest paid on the amounts distributed computed at six percent (6%) a year, compounded annually, from the date of distribution to the occurrence of this event.

(g) Unitrust amount may be allocated among class of noncharitable beneficiaries in discretion of trustee. If the governing instrument of the trust provides that the unitrust amount may be allocated to a class of noncharitable beneficiaries in the discretion of the trustee, then the trustee shall pay, in each taxable year of the trust, the unitrust amount to the member or members of the class of noncharitable beneficiaries in such amounts and proportions as the

trustee in its absolute discretion shall from time to time determine until the last of the noncharitable beneficiaries dies. The trustee may pay the unitrust amount to any one member of the class or may apportion it among the various members in such manner as the trustee shall from time to time deem advisable as long as the power to allocate does not cause any person to be treated as the owner of any part of the trust under the rules of § 671 through § 678 of the Code. If the class provided for in the governing instrument is open, the distribution shall be for a period not exceeding 20 years, notwithstanding a provision to the contrary in the trust instrument. If the class provided for in the governing instrument is closed at the creation of the trust, and all members of the class are ascertainable, the distribution may be for the lives of the members of the class or for a period not exceeding 20 years. The trustee shall pay the entire unitrust amount for each taxable year annually and may not delay payment of the unitrust amount.

(h) Reduction of unitrust amount if part of corpus is paid to charity at expiration of term of years or on death of a recipient. If the governing instrument of the trust provides for the reduction of the unitrust amount if part of the corpus is paid to charity at the expiration of a term of years or upon the death of a recipient, then during the term of years or during the joint lives of the noncharitable beneficiaries the trustee shall, in each taxable year of the trust, pay the total unitrust amount equal to a percentage of the net fair market value of the trust assets valued annually, which shall not be less than five percent (5%). Upon expiration of the term of years or the death of a recipient, the trustee shall distribute an amount or percentage of the trust assets, as provided in the governing instrument of the trust, to the charity named in the governing instrument, and thereafter the trustee shall pay to the survivors for their lives a unitrust amount in each taxable year of the trust equal to at least five percent (5%) (the actual percentage being defined in the trust instrument) of the net fair market value of the remaining trust assets valued annually.

(i) Termination of unitrust amount on payment date preceding termination of noncharitable interests. If the governing instrument of the trust provides that payment of the unitrust amount may terminate with the regular payment preceding the termination of all noncharitable interests, then the trustee shall pay the unitrust amount to the noncharitable beneficiary in each taxable year of the trust during the term of the noncharitable interest. The obligation of the trustee to pay the unitrust amount terminates with the payment preceding the termination of the noncharitable interest by death or otherwise. The five percent (5%) requirement provided in subsection (a) shall be met until the termination of all payments of the unitrust amount.

(j) Retention of testamentary power to revoke noncharitable interest. If the governing instrument of the trust provides that the grantor of the trust shall retain the power, exercisable only by will, to revoke or terminate the interest of any recipient other than an organization described in § 170(c) of the Code, then the trustee shall pay the unitrust amount to the grantor during his life and, upon the death of the grantor, shall pay the unitrust amount to the noncharitable beneficiary during his life provided the noncharitable beneficiary survives the grantor. The grantor shall have the power, exercisable only by his will, to revoke and terminate the interest of the noncharitable beneficiary under the trust. Upon the first to occur of (i) the death of the survivor of the grantor and the noncharitable beneficiary or (ii) the death of the grantor if he

effectively exercised his testamentary power to revoke and terminate the interest of the noncharitable beneficiary, the trustee shall distribute all of the then principal and income of the trust, other than any amount due the noncharitable beneficiaries, to the charity named in the trust document or, if the governing instrument so provides, the trustee shall continue to hold the principal and income in trust for the charity or for the charitable purposes specified in the trust. No other retained power to terminate an interest in the trust shall be effective.

“§ 36A-59.2. *Interpretation.*—This Article shall be interpreted and construed to effectuate its general purpose to cause all charitable remainder annuity trusts and all charitable remainder unitrusts to be administered in accordance with the provisions of § 2055 and § 2522 of the Code and the regulations thereunder.”

Sec. 2. This act is effective upon ratification and applies to all charitable remainder annuity trusts and all charitable remainder unitrusts that would not qualify for the deduction pursuant to § 2055 or § 2522 of the Code in the absence of this Article that are in existence on that date or are established after that date. For trusts in existence on that date, this act relates back to the date of creation of the trust.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1457

CHAPTER 1253

AN ACT TO MAKE TECHNICAL CORRECTIONS TO G.S. CHAPTER 7A.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-31(a), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by inserting after the first sentence of that subsection the following sentence:

“A cause appealed to the Court of Appeals from any of the administrative bodies listed in the preceding sentence may be certified in similar fashion, but only after determination of the cause in the Court of Appeals.”

Sec. 2. G.S. 7A-39.3(b) is amended by adding a sentence at the end of that subsection to read as follows:

“No recalled retired or emergency justice or judge shall receive from the State total annual compensation for judicial services in excess of that received by an active justice or judge of the bench to which the justice or judge is being recalled.”

Sec. 3. G.S. 7A-52(b) is amended by adding a sentence at the end of that subsection to read as follows:

“No recalled retired trial judge shall receive from the State total annual compensation for judicial services in excess of that received by an active judge of the bench to which the judge is recalled.”

Sec. 4. G.S. 7A-506 is amended on line 26 by deleting the word “later” and inserting in lieu thereof the word “earlier”.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1471

CHAPTER 1254

AN ACT TO CHARGE MOTOR CARRIERS A FEE FOR OBTAINING A TEMPORARY PERMIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-449.49 is rewritten to read:

“§ 105-449.49. *Temporary permits.*—Upon application to the Secretary and payment of a fee of twenty-five dollars (\$25.00), a motor carrier may obtain a temporary permit authorizing the carrier to operate a vehicle in the State without a registration card and identification marker for not more than 20 days. A motor carrier to whom a temporary permit has been issued may elect not to report its operation of the vehicle during the twenty-day period, as otherwise required by G.S. 105-449.45. A motor carrier who files a report for a quarter in which the carrier paid a temporary permit fee may claim a credit for the amount of the fee. A motor carrier whose operations are exclusively intrastate may obtain a refund of the fee by filing a report for the quarter in which the fee was paid.”

Sec. 2. G.S. 105-449.45 is amended by deleting the word “Every” and inserting in lieu thereof the phrase “Except as provided in G.S. 105-449.49, every”.

Sec. 3. This act shall become effective January 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1514

CHAPTER 1255

AN ACT TO INCREASE THE FEE FOR ADDITIONAL DEALER PLATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-87(7) is amended by striking the words and figures “one dollar (\$1.00)” at the end thereof and inserting in lieu thereof the words and figures “three dollars (\$3.00)”.

Sec. 2. This act shall become effective October 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1515

CHAPTER 1256

AN ACT CONCERNING DRIVER IMPROVEMENT CLINICS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-16 is amended by adding a new subsection (e) thereto to read:

“The division may conduct driver improvement clinics for the benefit of those who have been convicted of one or more violations of this Chapter. Each driver attending a driver improvement clinic shall pay a fee of twenty-five dollars (\$25.00).”

Sec. 2. This act shall become effective October 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1516

CHAPTER 1257

AN ACT RELATING TO FEES FOR MOTOR VEHICLE OPERATORS' LEARNERS' PERMITS AND TO FEES FOR SPECIAL IDENTIFICATION CARDS FOR NONOPERATORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-7(1) is amended by striking the words and figures "Four dollars (\$4.00)" appearing in lines 6 and 7 and inserting in lieu thereof the words and figures "five dollars (\$5.00)"; and by striking the words and figures "seven dollars (\$7.00)" appearing in line 13 and inserting in lieu thereof the words and figures "five dollars (\$5.00)".

Sec. 2. G.S. 20-11(b) is amended by striking the words "six months or until the applicant attains the age of 16, whichever period is greater" and inserting in lieu thereof "a period of 18 months and the fee for issuance of a limited learner's permit shall be five dollars (\$5.00)".

Sec. 3. G.S. 20-37.7(d) and (f) are rewritten to read:

"(d) A special identification card issued under this section shall automatically expire on the birth date of the holder in the fourth year following the year of issuance. The fee for the issuance or reissuance of a special identification card shall be five dollars (\$5.00); provided that a special identification card may be issued without fee to a resident of North Carolina who is legally blind or has attained the age of 70 years.

(f) The Division of Motor Vehicles shall maintain a record of all recipients of a special identification card. The Division may promulgate any rules and regulations it deems necessary for the effective implementation of the provisions of this section."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1518

CHAPTER 1258

AN ACT TO ADD CERTAIN SPECIAL PLATES TO THE STAGGERED REGISTRATION SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-66(b) is amended by rewriting the final proviso beginning on line 10 to read:

"provided further, the provisions of this subsection shall not apply to special issue plates, including but not limited to official plates, legislator plates, civil air patrol plates and national guard plates."

Sec. 2. G.S. 20-81.1(b) is amended by striking the figure "90" appearing in line 5 thereof and inserting in lieu thereof the figure "60".

Sec. 3. G.S. 20-81.1(c) is amended by: (1) deleting the first two sentences; and (2) by adding the following words to the end thereof immediately after the word "Vehicles": "and receive a regular plate at no charge."

Sec. 4. G.S. 20-81.1(d) is repealed and present subsection (e) is redesignated subsection (d).

Sec. 5. G.S. 20-81.2 is amended by striking the following words beginning in line 7 immediately after the letters "N.C.": "and the appropriate calendar year."

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Sec. 6. G.S. 20-81.3(f) is amended by striking the words and figures "five dollars (\$5.00)" appearing in line 4 thereof and inserting in lieu thereof the words and figures "nine dollars (\$9.00)".

Sec. 7. G.S. 20-81.4(a) is amended by adding the following words in line 4 immediately after the word "plates" and before the word "for": "and/or validation stickers."

Sec. 8. G.S. 20-81.4(c1) is amended by adding the following words in line 1 immediately after the word "plate" and before the word "provided": "and/or validation stickers."

Sec. 9. G.S. 20-81.4(d) is amended by adding the following words in line 1 immediately after the word "plate" and before the word "provided": "and/or validation stickers."

Sec. 10. G.S. 20-81.6(b) is amended by striking the figure "90" appearing in line 5 thereof and inserting in lieu thereof the figure "60".

Sec. 11. G.S. 20-81.6(c) is amended by (1) deleting the first two sentences; and (2) by adding the following words to the end thereof immediately after the word "Vehicles": "and receive a regular plate at no charge."

Sec. 12. G.S. 20-81.6(d) is repealed and present subsection (e) is redesignated subsection (d).

Sec. 13. G.S. 20-81.7(c) is repealed.

Sec. 14. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1524

CHAPTER 1259

AN ACT RELATING TO THE WEIGHT OF VEHICLES, LOADS AND PENALTIES FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the North Carolina General Statutes is amended by adding a new section to be designated G.S. 20-118.3 and to read:

"Any vehicle or combination of vehicles being operated upon the highway of this State either by a resident or nonresident without having been issued therefor a registration plate by the appropriate jurisdiction shall be subject to a civil penalty equal to the North Carolina annual fee for the gross weight of the vehicle and in addition thereto the license fee applicable for the remainder of the current registration year, provided a nonresident shall pay the North Carolina license fee or furnish satisfactory proof of payment of required registration fee to its base jurisdiction. The civil penalties provided for in this section shall not be enforceable through criminal sanctions and the provisions of G.S. 20-176 shall not apply to this section."

Sec. 2. G.S. 20-118.1 is amended by inserting immediately after the word "scales" and immediately before the word "in" appearing in line 5, the following words:

"or stationary scales approved by the North Carolina Department of Agriculture."

Sec. 3. Section 1 of this act shall become effective October 1, 1982. Section 2 of this act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1581 CHAPTER 1260

AN ACT TO PROHIBIT THE HUNTING OF DOE DEER IN HYDE COUNTY IN 1982.

The General Assembly of North Carolina enacts:

Section 1. It shall be unlawful to hunt, take, or kill or attempt to hunt, take, or kill doe deer in Hyde County during the 1982 either-sex deer season, as established by regulations of the Wildlife Resources Commission.

Sec. 2. The provisions in Section 1 shall not apply to special antlerless deer hunts authorized by the Wildlife Resources Commission under the authority of G.S. 113-291.2, or to antlerless deer hunts on the Pungo National Wildlife Refuge.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1611 CHAPTER 1261

AN ACT RELATING TO INSPECTION OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-183.3(b) is amended by deleting the word "include" and inserting in lieu thereof the word "exclude" and is further amended by adding the following language at the end:

"Provided that motorcycles as defined in G.S. 20-4.01(22) and G.S. 20-4.01(27)d shall not be subject to the requirements of this subsection."

Sec. 2. G.S. 20-183.7(c)(2) is amended by striking the words and figures "thirty-five cents (35¢)" appearing in line 1 and inserting in lieu thereof the words and figures "sixty cents (60¢)" and by striking the words and figures "sixty cents (60¢)" appearing in line 3 and inserting in lieu thereof the words and figures "thirty-five cents (35¢)".

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1619 CHAPTER 1262

AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE NEW ALCOHOLIC BEVERAGE CONTROL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-292.1(l) is amended by rewriting the last sentence to read:

"G.S. 18B-308 shall apply to those games."

Sec. 2. G.S. 18B-101(4) is amended by deleting the last sentence.

Sec. 3. G.S. 18B-103(8) is amended by changing the period to a semicolon.

Sec. 4. Article 1, Chapter 18B, is amended by adding a new section to read:

“§ 18B-111. *Nontaxpaid alcoholic beverages.*—No person may possess, transport, or sell nontaxpaid alcoholic beverages except as authorized by the ABC Law.”

Sec. 5. G.S. 18B-402 is amended by deleting the period and adding the following:

“or G.S. 18B-403, except that no more than four liters of spirituous liquor purchased outside this State may be brought into this State.”

Sec. 6. G.S. 18B-403(a) is amended by inserting in the second sentence between the word “destination” and the word “indicated” the phrase “within North Carolina”.

Sec. 7. G.S. 18B-403(e) is amended by adding a new sentence at the end of that subsection to read:

“A permit for the purchase and transportation of spirituous liquor may be issued only by an authorized agent of the local board for the jurisdiction in which the purchase will be made.”

Sec. 8. G.S. 18B-403 is amended by adding a new subsection to read:

“(g) When a person holds a special occasion for which a permit under G.S. 18B-1001(8) or (9) is required, the purchase-transportation permit issued to him may provide for the storage at and transportation to and from the site of the special occasion, of fortified wine and spirituous liquor for a period of no more than 48 hours before and after the special occasion; but no more than 40 liters of either fortified wine, spirituous liquor, or a combination of the two may be transported at any one time. The Commission may adopt rules to govern issuance of these extended purchase-transportation permits.”

Sec. 9. G.S. 18B-602(c) is amended by inserting in the second sentence after the number “(2)” the following: “or (3)”.

Sec. 10. G.S. 18B-700(i) is rewritten to read:

“(i) Bond. Each local board member shall be bonded in an amount not less than five thousand dollars (\$5,000), secured by a corporate surety, for the faithful performance of his duties. A public employees’ blanket position bond in the required amount satisfies the requirements of this subsection. The bond shall be payable to the local board and shall be approved by the appointing authority for the local board. The appointing authority may exempt from this bond requirement any board member who does not handle board funds, and it may also increase the amount of the bond for any member who does handle board funds.”

Sec. 11. G.S. 18B-702(d) is amended by inserting in the third sentence after the phrase “G.S. 159-30(c)” the following: “and (d)”.

Sec. 12. G.S. 18B-803(b) and (c) are rewritten to read:

“(b) Bonding of Manager. Each store manager shall be bonded in an amount not less than five thousand dollars (\$5,000), secured by a corporate surety, for the honest performance of his duties. A public employees’ blanket position bond, honesty form, in the required amount satisfies the requirements of this subsection. The bond shall be payable to the local board and shall be approved by the appointing authority for the local board.

(c) Bonding of Other Employees. A local board may require any of its other employees who handle funds to obtain bonds. The amount and form of those bonds shall be determined by the local board.”

Sec. 13. G.S. 18B-900(a) is amended by adding a new sentence at the end of that subsection to read:

“To avoid undue hardship, however, the Commission may decline to take action under G.S. 18B-104 against a permittee who is in violation of subdivisions (3), (4), or (5).”

Sec. 14. G.S. 18B-900(c)(3) is amended by inserting between the word “corporation” and the semicolon the following:

“except that the requirement of subdivision (a)(1) does not apply to such an officer, director, or stockholder unless he is a manager or is otherwise responsible for the day-to-day operation of the business.”

Sec. 15. G.S. 18B-1000 is amended by renumbering subdivisions (2) - (7) as (3) - (8) respectively and adding a new subdivision (2) to read:

“(2) Cooking school. An establishment substantially engaged in the business of operating a school in which cooking techniques are taught for a fee.”

Sec. 16. The first sentence of G.S. 18B-1001(5) is rewritten to read:

“An on-premises fortified wine permit authorizes the retail sale of fortified wine for consumption on the premises, either alone or mixed with other beverages, and the retail sale of fortified wine in the manufacturer’s original container for consumption off the premises.”

Sec. 17. G.S. 18B-1001(11) is amended by changing the period after the word “Hotels” to a semicolon and adding a new sub-subdivision to the first paragraph to read:

“c. Cooking schools.”

Sec. 18. G.S. 18B-1005(a) is amended by rewriting that portion of the subsection before subdivision (1) to read:

“(a) Certain Conduct. It shall be unlawful for a permittee or his agent or employee to knowingly allow any of the following kinds of conduct to occur on his licensed premises:”

Sec. 19. G.S. 18B-1005(a)(1) is rewritten to read:

“(1) Any violation of this Chapter;”.

Sec. 20. G.S. 18B-1007(b) is amended by rewriting that portion of the subsection before subdivision (1) to read:

“(b) Handling Bottles. It shall be unlawful for a mixed beverages permittee or his agent or employee to do any of the following:”.

Sec. 21. G.S. 18B-1112 is rewritten to read:

“§ 18B-1112. *Authorization of vendor representative permit.*—(a) Authorized Acts. The holder of a vendor representative permit may represent an unfortified winery, fortified winery, limited winery, brewery, bottler, importer, nonresident malt beverage vendor, or nonresident wine vendor, either as an employee or an agent, to solicit orders for that commercial permittee’s product. The vendor representative may sell, deliver, and ship alcoholic beverages in this State only to permittees to whom the commercial permittee he represents may sell, deliver, or ship.

(b) Number of Permits. A vendor representative shall secure a separate permit for each commercial permittee he represents. A permit may not be issued without the approval of the commercial permittee.”

Sec. 22. G.S. 18B-1001(3) is amended by changing the period after the words “Convention centers” to a semicolon and adding a new sub-subdivision to read:

“f. Cooking schools.”

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Sec. 23. G.S. 18B-1006 is amended by adding a new subsection to read:

“(g) Restrictions on sales at cooking schools.—Retail sales of food or alcoholic beverages to be consumed on the premises of a cooking school are restricted to bona fide enrolled students of that school. Violation of this subsection is a ground for administrative action under G.S. 18B-104.”

Sec. 24. This act shall become effective October 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1628

CHAPTER 1263

AN ACT TO PERMIT THE SECRETARY OF STATE TO SET A FEE FOR PRIVATE PLACEMENT EXEMPTION FILINGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 78A-17(9)(a) is amended in the last line of the subdivision by inserting the following after the word “exemption”: “or establish a fee for any filing required up to a maximum of one hundred fifty dollars (\$150.00) to recover costs”.

Sec. 2. G.S. 78A-17(9)(b) is amended in the last line of the subdivision by inserting the following after the word “exemption”: “or establish a fee for any filing required up to a maximum of one hundred fifty dollars (\$150.00) to recover costs”.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1629

CHAPTER 1264

AN ACT TO AUTHORIZE THE CONSTRUCTION AND FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF ADDITIONS AND RENOVATIONS TO THE BENNETT BUILDING AND A RESIDENCE HALL AT UNC-CHAPEL HILL.

The General Assembly of North Carolina enacts:

Section 1. The Board of Governors of The University of North Carolina is authorized to construct additional space and renovate existing space in the Bennett Building on the campus of The University of North Carolina at Chapel Hill, and is authorized to finance the project cost of five hundred ninety-four thousand six hundred dollars (\$594,600) with funds available to it from gifts, grants, receipts, special funds, self-liquidating indebtedness or other funds, or any combination of these funds, but not including funds appropriated from the General Fund of the State.

Sec. 2. The Board of Governors of The University of North Carolina is authorized to construct a residence hall on the campus of The University of North Carolina at Chapel Hill, and is authorized to finance the dormitory's cost of six million eight hundred thousand dollars (\$6,800,000) with funds available to it from gifts, grants, receipts, special funds, self-liquidating indebtedness or other funds, or any combination of these funds, but not including funds appropriated from the General Fund of the State.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 1655**CHAPTER 1265**

AN ACT TO AMEND THE ELECTION LAW TO PROVIDE PROCEDURES FOR FILLING VACANCIES IN THE GENERAL ASSEMBLY WHERE COUNTIES ARE DIVIDED IN REDISTRICTING, AND TO MAKE OTHER TECHNICAL AMENDMENTS.

The General Assembly of North Carolina enacts:

Section 1. Sections 3, 15, and 19.3 of Chapter 3, Session Laws, Second Extra Session of 1982, are repealed.

Sec. 2. Section 18 of Chapter 3, Session Laws, Second Extra Session of 1982, is amended by adding the following at the end: "Provided further, that Section 19.1 shall expire on March 1, 1983."

Sec. 3. The first paragraph of G.S. 163-11 is deleted and the following inserted in lieu thereof:

"(a) If a vacancy shall occur in the General Assembly by death, resignation, or otherwise than by expiration of term, the Governor shall immediately appoint for the unexpired part of the term the person recommended by the political party executive committee provided by this section. The Governor shall make the appointment within seven days of receiving the recommendation of the appropriate committee. If the Governor fails to make the appointment within the required period, he shall be presumed to have made the appointment and the legislative body to which the appointee was recommended is directed to seat the appointee as a member in good standing for the duration of the unexpired term.

(b) If the district consists solely of one county and includes all of that county, the Governor shall appoint the person recommended by the county executive committee of the political party with which the vacating member was affiliated when elected, it being the party executive committee of the county which the vacating member was resident.

(c) If the district consists solely of one county but includes less than all of the county, the Governor shall appoint the person recommended by the county executive committee of the political party with which the vacating member was affiliated when elected, it being the county executive committee of the county which the vacating member was resident, provided that in voting only those county executive committee members who reside in the district shall be eligible to vote.

(d) If the district consists of more than one county, the Governor shall appoint for the unexpired portion of the term the person recommended by the State House of Representatives district committee or the Senatorial district committee of the political party with which the vacating member was affiliated when elected. In the case where all of a county is included within a district, the county convention or county executive committee of that political party shall elect or appoint at least one member from that county to serve on the State House of Representatives district executive committee or State Senatorial district executive committee. In the case where only part of a county is included within a district, the county convention or county executive committee of that political party shall elect or appoint at least one member from that county to

serve on the State House of Representatives district committee or the State Senatorial district committee, but only the delegates to the county convention or the members of the county executive committee who reside in the district may vote in electing the district committee member. When the State House of Representatives district committee or the State Senatorial district committee meets, a member shall be entitled to cast for his county (or the part of his county within the district) one vote for each 300 persons or major fraction thereof residing within that county, or in the case where less than the whole county is in the district one vote for each 300 persons or major fraction thereof residing in that part of the district within the county.

A county convention or county executive committee may elect more than one member to the district committee but in the event that more than one member is selected from that county, then each member shall cast an equal share of the votes allotted to the county."

Sec. 4. G.S. 163-114 is amended by adding the following language in the next to the last paragraph immediately after the words "order to that effect":

" , provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote".

Sec. 5. G.S. 163-114 is amended by adding the following new language at the end:

"In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote."

Sec. 6. G.S. 163-67(a) is amended in the third paragraph by substituting a period for the colon following the word "applicant" in the fourth line of that paragraph, and by deleting the remainder of that paragraph.

Sec. 7. G.S. 163-41 is amended by adding a new subsection to read:

"(b1) At any time after the expiration of the period stated in subsection (b) for the appointment of special registration commissioners the county board of elections may appoint additional commissioners, as follows:

- (1) Within the period of the two-year term prescribed in subsection (b) for special registration commissioners, no more than ten additional may be appointed under this subsection;
- (2) The county board of elections shall specify the terms of commissioners appointed under this subsection, but in no event shall the end of a term extend beyond the expiration of the two-year term prescribed in subsection (b) for commissioners appointed under that subsection;

(3) In its discretion the board of elections may terminate, at any time and without cause, the authority of commissioners appointed under this subsection; and

(4) The qualifications for special registration commissioners appointed under this subsection shall be the same as for commissioners appointed under subsection (b)."

Sec. 8. Sections 1 through 5 of this act are effective upon ratification. Sections 6 and 7 of this act shall become effective September 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 748 **CHAPTER 1266**
AN ACT TO AMEND THE BOATING SAFETY ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 75A-9 is amended by adding the following subsections thereto:

"(a) Every internal combustion engine used on a motorboat with inboard-outboard propulsion machinery must exhaust through the propeller.

(b) Every internal combustion engine used on inboard motorboats with 'V' Drives having jets or propeller propulsion machinery which exhausts through or over the transom must exhaust underwater while underway or exhaust through an automotive type sealed (baffle) muffler for each exhaust stack, with exhaust openings not to exceed an internal diameter of two inches. Glass pack mufflers, resonators, and above water water-mufflers are prohibited. Baffle inserts are prohibited on all inboard motorboats. Motorboats with original propulsion machinery made before 1970 are exempt from this law.

(c) Any person who violates any of the provisions of subsections (a) or (b) shall be guilty of a misdemeanor and shall be subject to imprisonment not to exceed 30 days or a fine not to exceed fifty dollars (\$50.00) for the first violation and one hundred dollars (\$100.00) for the second violation, or both imprisonment and a fine. The third and all subsequent violations shall be misdemeanors and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed six months, or both, for each such violation."

Sec. 1.1. Section 1 does not apply to boats while participating in an organized regatta sponsored by a civic or charitable organization from one of the counties to which this act applies.

Sec. 2. All laws and clauses of laws in conflict with the act are hereby repealed.

Sec. 3. This act shall apply to Mecklenburg, Iredell, Lincoln, and Catawba Counties only, and within those counties, it shall apply only on Lakes Norman, Wylie and Mountain Island.

Sec. 4. This act shall become effective March 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 797

CHAPTER 1267

AN ACT TO ALLOW THE CITY OF NEWTON TO APPROPRIATE FUNDS TO THE NEWTON-CONOVER CITY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. The City of Newton is authorized to appropriate not in excess of five thousand dollars (\$5,000) in town funds to the Newton-Conover City Board of Education for construction of a field house.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 838

CHAPTER 1268

AN ACT TO REVISE THE DISCLOSURE PROVISION OF THE CHARITABLE SOLICITATION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131C-16 is rewritten as follows:

“Any person subject to licensure under this Chapter, or his agent for service of process if the person subject to licensure is not a resident of North Carolina, shall disclose in writing his percentage of fund-raising expenses and the purpose of the organization, upon receipt of a written or oral request from the Department or any citizen of North Carolina.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 845

CHAPTER 1269

AN ACT TO CREATE THE NORTH CAROLINA VOLUNTARY MIGRATORY WATERFOWL CONSERVATION STAMP PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. A new section is inserted in Article 21 of Chapter 113 of the General Statutes to read:

“§ 113-270.2B. *Voluntary Migratory Waterfowl Conservation Stamp.*—(a) The Wildlife Resources Commission has exclusive production rights for the Voluntary Migratory Waterfowl Conservation Stamp, and is authorized to adopt policy for the annual selection of an appropriate design for the stamp and to have the stamp produced for sale at a price not to exceed ten dollars (\$10.00). This policy may include ownership rights of the original art selected and arrangements for the reproduction, distribution and marketing of prints of the design of the stamp, and for sharing the resulting revenues.

(b) The proceeds accruing to the Commission from its share of the Voluntary Migratory Waterfowl Conservation Stamp program shall be used by the Commission for the benefit of migratory waterfowl management in North Carolina.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 855

CHAPTER 1270

AN ACT TO AUTHORIZE THE TOWN OF CANDOR TO ESTABLISH, OPERATE, AND MAINTAIN A PUBLIC MARKET.

The General Assembly of North Carolina enacts:

Section 1. A town is authorized to establish, own, operate, equip, and maintain a public market, and acquire such land, either inside or outside the city, as may be necessary for the establishment of a public market; and to appropriate and expend funds for such purpose. In lieu of the city operating such a market, the city is further authorized to contract with any individual, corporation, nonprofit corporation, governmental body, or any other group for the purpose of operating a public market.

Sec. 2. This act shall apply to the town of Candor only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 859

CHAPTER 1271

AN ACT TO ALLOW A SPECIAL ELECTION TO BE HELD IN NOVEMBER 1982 IN CERTAIN SANITARY DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 130 of the General Statutes is amended by adding sections to read:

“§ 130-126.2. *Special election if election not held in November of 1981.*—(a) If in any sanitary district, an election of board members was required to be held in November of 1981 under G.S. 130-126 but was not held, the county board of commissioners of the county in which the district is located may by resolution order a special election of all the board members to be held at the same time as the General Election in November of 1982.

(b) The election shall be held under the procedures of Articles 23 and 24 of Chapter 163 of the General Statutes and in accordance with G.S. 130-126, except that filing shall open at noon on Monday, August 9, 1982, and close at noon on Monday, August 23, 1982.

(c) In the election held under this section, all of the members of the board shall be elected. If the board of commissioners has provided for two- or four-year terms, the members elected in 1982 shall serve until the 1983 or 1985 election, respectively, and then their successors shall be elected for the two- or four-year terms provided by the county board of commissioners.

(d) Any resolution adopted under subsection (a) of this section shall be filed with the Commission for Health Services.

“§ 130-126.3. *Actions validated.*—Any action of a sanitary district taken prior to June 1, 1982, shall not be invalidated by failure to hold an election for members of the board.”

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

S. B. 861

CHAPTER 1272

AN ACT TO LIMIT THE POSSESSION AND USE OF TEFLON-COATED BULLETS THAT ARE CAPABLE OF PENETRATING POLICE-TYPE KEVLAR BODY ARMOR.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding a new section to read:

“§ 14-34.3. *Manufacture, sale, purchase, or possession of teflon-coated types of bullets prohibited.*—(a) It is unlawful for any person to import, manufacture, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any teflon-coated bullet.

(b) This section does not apply to:

(1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties;

(2) Importers, manufacturers, and dealers validly licensed under the laws of the United States or the State of North Carolina who possess for the purpose of sale to authorized law enforcement agencies only;

(3) Inventors, designers, ordinance consultants and researchers, chemists, physicists, and other persons employed by or under contract with a manufacturing company engaged in making or doing research designed to enlarge knowledge or to facilitate the creation, development, or manufacture of more effective police-type body armor.

(c) Any person who violates any provision of this section is guilty of a misdemeanor punishable as provided in G.S. 14-3(a).”

Sec. 2. This act shall become effective October 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. B. 468

CHAPTER 1273

AN ACT TO PROVIDE FOR A REDUCED RATE OF SALES TAX UPON CERTAIN CONTAINERS SOLD TO FARMERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-164.4(1) is amended to add a new subparagraph q. to read as follows:

“q. Sales of containers to farmers or producers for use in the planting, producing, harvesting, curing, marketing, packaging, sale, or transporting or delivery of their products when such containers do not go with and become part of the sale of their products at wholesale or retail.”

Sec. 2. This act is effective July 1, 1982.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 964

CHAPTER 1274

AN ACT TO AMEND THE LAWS REGULATING SANITARIANS.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 90A of the General Statutes of North Carolina is hereby repealed.

Sec. 2. Chapter 90A of the General Statutes of North Carolina is hereby amended by adding a new Article to read as follows:

“ARTICLE 4.

“REGISTRATIONS OF SANITARIANS.

“§ 90A-50. *State Board of Sanitarian Examiners.*—There is hereby created a State Board of Sanitarian Examiners to register qualified sanitarians to practice within the State.

“§ 90A-51. *Definitions.*—The words and phrases defined below shall when used in this Article have the following meaning unless the context clearly indicates otherwise:

- (1) ‘Board’ means the Board of Sanitarian Examiners.
- (2) ‘Sanitarian’ is a public health professional qualified by education in the arts and sciences, specialized training, and acceptable environmental health field experience to effectively plan, organize, manage, execute and evaluate one or more of the many diverse elements comprising the field of environmental health.
- (3) ‘Registered sanitarian’ is a sanitarian registered in accordance with the provisions of this Article.
- (4) ‘Sanitarian intern’ is a person who possesses the necessary educational qualifications as prescribed in G.S. 90A-53(3), but who has not completed the experience and specialized training requirements in the field of public health sanitation as required for registration.
- (5) ‘Certificate of registration’ is a document issued as evidence of registration and qualification to practice as a sanitarian or a sanitarian intern under this Article. The certificate shall bear the designation ‘registered sanitarian’ or ‘sanitarian intern’ and show the name of the person, date of issue, serial number, seal, and signatures of the members of the board.

“§ 90A-52. *Practice without certificate unlawful.*—(a) In order to safeguard life, health and the environment, it shall be unlawful for any person to practice as a sanitarian in the State of North Carolina or use the title ‘registered sanitarian’ unless such person shall have obtained a certificate of registration from the board. No person shall offer his services as a registered sanitarian or use, assume or advertise in any way any title or description tending to convey the impression that he is a registered sanitarian unless he is the holder of a current certificate of registration issued by the board.

(b) Notwithstanding the provisions of subsection (a), a person may practice as a sanitarian intern for a period not to exceed three years provided he has obtained a temporary certificate of registration from the board.

“§ 90A-53. *Qualifications and examination for registration as a sanitarian.*—The board shall issue certificates to qualified persons as registered sanitarians. A certificate as a registered sanitarian shall be issued to any person upon the board’s determination that such person:

- (1) has made application to the board on a form prescribed by the board;

- (2) is of good moral character;
- (3) has received a degree from a post-secondary educational institution rated as acceptable by the board with a minimum of 15 semester hours or its equivalent in the physical and/or biological sciences;
- (4) has satisfactorily completed a course in specialized instruction and training approved by the board which course shall be designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by public health sanitation, the elements of good environmental health sanitation, the laws and regulations governing sanitation in environmental health and the protection of the public health;
- (5) has had at least two years' experience in the field of environmental health sanitation, or at least one year of such experience in the field of environmental health sanitation plus one year of graduate study in the sanitary sciences;
- (6) has passed an examination administered by the board designed to test for competence in the subject matters of environmental health sanitation. The examination shall be in a form prescribed by the board and may be oral, written, or both. The examination for applicants shall be held annually or more frequently as the board may by rule prescribe, at a time and place to be determined by the board. A person shall not be registered if such person fails to meet the minimum grade requirements for examination specified by the board. Failure to pass an examination shall not prohibit such person from being examined at subsequent times and places as specified by the board; and
- (7) has paid a fee set by the board not to exceed the cost of the examination.

"§ 90A-54. *Qualification for registration as a sanitarian intern.*—(a) A temporary certificate may be issued under requirements and conditions prescribed by the board to any person to act or serve as a sanitarian intern without meeting the full requirements of a registered sanitarian for a period not to exceed three years provided such person meets the educational requirements in G.S. 90A-53.

(b) Any person meeting the educational requirements of G.S. 90A-53(3) may make application to the board on a form prescribed by the board for temporary registration as a sanitarian intern. The board shall accept such application when submitted upon the payment of a fee set by the board not to exceed thirty-five dollars (\$35.00).

"§ 90A-55. *State Board of Sanitarian Examiners; appointment and term of office.*—(a) Board membership. The board shall consist of nine members: the Secretary of Human Resources, or his duly authorized representative; one public-spirited citizen, one environmental sanitation educator from an accredited college or university, one local health director, a representative of the Environmental Health Section, North Carolina Division of Health Services; and four practicing sanitarians who qualify by education and experience for registration under this Article, three of whom will represent the Western, Piedmont, and Eastern Regions of the State as described more specifically in the rules and regulations adopted by the board.

(b) Term of office. Each member of the State Board of Sanitarian Examiners shall be appointed by the Governor for a term of four years. Members of the

board serving on the effective date of this Article shall serve until the expiration of the terms for which they were appointed. As the term of each current member expires, the Governor shall appoint a successor in accordance with the provisions of this section. If a vacancy occurs on the board for any other reason than the expiration of a member's term, the Governor shall appoint a successor for the remainder of the unexpired term. No person shall serve as a member of the board for more than two consecutive four-year terms.

(c) The Environmental Health Section, North Carolina Public Health Association, Inc., shall submit a recommended list of board member candidates to the Governor for his consideration in appointments.

(d) The Governor may remove an appointee member for misconduct in office, incompetency, neglect of duty, or other sufficient cause.

"§ 90A-56. *Compensation of board members; expenses; employees.*—Members of the board shall receive thirty-five dollars (\$35.00) per day for each day actually spent in the performance of duties required by this Chapter, plus all necessary travel expenses in an amount not to exceed that authorized under G.S. 138-6(a), (1), (2), and (3) for officers and employees of State departments. The board may employ necessary personnel for the performance of its functions and fix the compensation therefor, within the limits of funds available to the board. The total expenses of the administration of this Article shall not exceed the total income therefrom and none of the expenses of said board or the compensation or expenses of any officer thereof or any employee shall ever be paid or payable out of the treasury of the State of North Carolina; and neither the board nor any officer or employee thereof shall have any power or authority to make or incur any expense, debt, or other financial obligation binding upon the State of North Carolina.

"§ 90A-57. *Election of officers; meetings; regulations.*—(a) The board shall annually elect a chairman, vice-chairman and a secretary from among its membership. The officers may serve more than one term. The board shall meet annually in the City of Raleigh, at a time set by the board, and it may hold additional meetings and conduct business at any place in the State. Five members of the board shall constitute a quorum to do business. The board may designate any member to conduct any proceeding, hearing, or investigation necessary to its purpose, but any final action requires a quorum of the board. The board is authorized to adopt such rules and regulations as may be necessary for the efficient operation of the board.

(b) The board shall have an official seal and each member shall be empowered to administer oaths in taking of testimony upon any matters pertaining to the function of the board.

"§ 90A-58. *Applicability of G.S. 93B.*—The board shall be subject to the provisions of Chapter 93B of the General Statutes of North Carolina.

"§ 90A-59. *Record of proceedings; register of application; register of registered sanitarians and sanitarian interns.*—(a) The board shall keep a record of its proceedings.

(b) The board shall maintain a register of all applications for registration, which shall show:

- (1) the place of residence, name and age of each applicant;
- (2) the name and address of the employer of each applicant;
- (3) the date of application;
- (4) complete information of educational and experience qualifications;

- (5) the action taken by the board;
- (6) the serial number of the certificate of registration issued to the applicant;
- (7) the date on which the board reviewed and acted upon the application; and
- (8) such other pertinent information as may be deemed necessary by the board.

(c) The board shall maintain a current registry of all sanitarians and sanitarian interns in the State of North Carolina that have been registered in accordance with the provisions of this Article.

(d) These records shall be public records as defined in Chapter 132 of the General Statutes of North Carolina.

“§ 90A-60. *Rating of educational institutions.*—For the purpose of determining the qualifications of applicants for certification and registration under this Article, the board may accept the ratings of educational institutions as issued by accrediting bodies acceptable to the board.

“§ 90A-61. *Certification and registration of persons practicing as sanitarians on the effective date of this act; temporary provisions.*—(a) Any person who submits to the board under oath evidence that such person was practicing as a sanitarian (as defined in G.S. 90A-51(2) of this Article) or registered sanitarian (as defined in G.S. 90A-51(3) of this Article) in the State of North Carolina on the effective date of this Article shall be certified as a registered sanitarian.

(b) If any person described under subsection (a) does not make application and pay the appropriate fee to the board within six months from the effective date of this Article, he must then satisfy all the requirements of G.S. 90A-53 in order to obtain a certificate of registration.

(c) Within three years from the effective date of this Article every person specified in subsection (a) who has not satisfied the requirements for a certificate of registration listed in subsection (a) shall thereafter satisfy all the requirements listed in G.S. 90A-53 in order to obtain a certificate of registration.

“§ 90A-62. *Certification and registration of sanitarians certified in other states.*—The board may, without examination, grant a certificate as a registered sanitarian to any person who at the time of application, is certified as a registered sanitarian by a similar board of another state, district or territory whose standards are acceptable to the board but not lower than those required by this Article. A fee to be determined by the board and not to exceed thirty-five dollars (\$35.00) shall be paid by the applicant to the board for the issuance of a certificate under the provisions of this section.

“§ 90A-63. *Renewal of certificates.*—(a) A certificate as a registered sanitarian or sanitarian intern issued pursuant to the provisions of this Article will expire on the 31st day of December of the current year and must be renewed annually on or before the first day of January. Each application for renewal must be accompanied by a renewal fee to be determined by the board, but not to exceed thirty-five dollars (\$35.00). The board is authorized to charge an extra five dollar late renewal fee for renewals made after the first day of January of each year.

(b) Registrations expired for failure to pay renewal fees may be reinstated under the rules and regulations adopted by the board.

“§ 90A-64. *Suspensions and revocations of certificates.*—(a) The board shall have the power to refuse to grant, or may suspend or revoke, any certificate issued under provisions of this Article for any of the causes hereafter enumerated:

- (1) fraud, deceit, or perjury in obtaining registration under the provisions of this Article;
- (2) addiction to narcotics;
- (3) drunkenness on duty;
- (4) defrauding the public or attempting to do so;
- (5) failing to renew certificate as required;
- (6) dishonesty;
- (7) incompetency;
- (8) inexcusable neglect of duty;
- (9) guilty of any unprofessional or dishonorable conduct unworthy of and affecting the practice of his profession.

(b) The procedure to be followed by the board when refusing to allow an applicant to take an examination, or revoking or suspending a certificate issued under the provisions of this Article, shall be in accordance with the provisions of Chapter 150A of the General Statutes of North Carolina.

“§ 90A-65. *Representing oneself as a registered sanitarian.*—A holder of a current certificate of registration may append to his name the letters, ‘R. S.’

“§ 90A-66. *Violations; penalty; injunction.*—Any person violating any of the provisions of this Article or of the rules and regulations adopted by the board shall be guilty of a misdemeanor and punishable in the discretion of the court. The board may appear in its own name in the Superior Courts in an action for injunctive relief to prevent violation of this Article and the Superior Courts shall have power to grant such injunctions regardless of whether criminal prosecution has been or may be instituted as a result of such violations. Actions under this section shall be commenced in the judicial district in which the respondent resides or has his principal place of business or in which the alleged acts occurred.”

Sec. 3. Severability Clause. If any part of the act is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remaining portions of the act.

Sec. 4. This act shall become effective October 1, 1982.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1208 CHAPTER 1275

AN ACT TO PROVIDE FOR LIENS ON PERSONAL PROPERTY STORED AT SELF-SERVICE STORAGE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 44A is amended by adding a new Article 4 to read:

“ARTICLE 4.

“Self-Service Storage Facilities.

“§ 44A-40. *Definitions.*—As used in this Article, unless the context clearly requires otherwise:

(1) 'Last known address' means that address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.

(2) 'Lienor' means any person entitled to a lien under this Article.

(3) 'Occupant' means a person, his sublessee, successor, or assign, entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

(4) 'Owner' means the owner, operator, lessor, or sublessor of a self-service storage facility, his agent, or any other person authorized by him to manage the facility or to receive rent from an occupant under a rental agreement.

(5) 'Personal property' means movable property not affixed to land and includes, but is not limited to, goods, merchandise, and household items.

(6) 'Rental agreement' means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-service storage facility.

(7) 'Self-service storage facility' means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. A self-service storage facility is not subject to the provisions of Article 7 of General Statutes Chapter 25. Provided, however, if an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of Article 7 of General Statutes Chapter 25 and the provisions of this Article do not apply.

"§ 44A-41. *Self-service storage facility owner entitled to lien.*—The owner of a self-service storage facility has a lien upon all personal property stored at the facility for rent, expenses necessary for the preservation of the personal property, and expenses reasonably incurred in the sale or other disposition of the personal property pursuant to this Article. This lien shall not have priority over any security interest which is perfected at the time the occupant stores the property at the self-service storage facility.

"§ 44A-42. *When self-service storage facility lien arises and terminates.*—The lien conferred under this Article arises only when the owner acquires possession of the property stored in the self-service storage facility; and it shall terminate when the owner relinquishes possession of the property upon which the lien might be claimed, or when the occupant or any other person having a security or other interest in the property tenders prior to sale the amount of the rent, plus the expenses incurred by the owner for the preservation of the property. The reacquisition of possession of the property stored in the self-service storage facility, which was relinquished, shall not reinstate the lien.

"§ 44A-43. *Enforcement of self-service storage facility lien.*—(a) If the rent and other charges for which the lien is claimed under this Article remain unpaid or unsatisfied for 15 days following the maturity of the obligation to pay rent, the owner may enforce the lien by a public sale or other disposition of the property as provided in this section. The owner may bring an action to collect rent and other charges in any court of competent jurisdiction at any time following the maturity of the obligation to pay the rent.

The occupant or any other person having a security or other interest in the property stored in the self-service storage facility may bring an action to request

the immediate possession of the property, at any time following the assertion of the lien by the owner. Before such possession is granted, the occupant or the person with a security or other interest in the property shall pay the amount of the lien asserted to the clerk of court in which the action is pending, or post a bond for double the amount. The clerk shall then issue an order to the owner to relinquish possession of the property to the occupant or other party.

(b) Notice and Hearing:

(1) If the property upon which the lien is claimed is a motor vehicle, the lienor, following the expiration of the 15-day period provided by subsection (a), shall give notice to the Division of Motor Vehicles that a lien is asserted and that a sale is proposed. The lienor shall remit to the Division a fee of two dollars (\$2.00); and shall also furnish the Division with the last known address of the occupant. The Division of Motor Vehicles shall issue notice by registered or certified mail, return receipt requested to the person having legal title to the vehicle, if reasonably ascertainable, and to the occupant, if different, at his last known address. The notice shall:

- a. State: (i) that a lien is being asserted against the specific vehicle by the lienor or owner of the self-service storage facility, (ii) that the lien is being asserted for rental charges at the self-service storage facility, (iii) the amount of the lien, and (iv) that the lienor intends to sell or otherwise dispose of the vehicle in satisfaction of the lien;
- b. Inform the person having legal title and the occupant of their right to a judicial hearing at which a determination will be made as to the validity of the lien prior to a sale taking place; and
- c. State that the legal title holder and the occupant have a period of 10 days from the date of receipt of the notice in which to notify the Division of Motor Vehicles by registered or certified mail, return receipt requested, that a hearing is desired to contest the sale of the vehicle pursuant to the lien.

The person with legal title or the occupant must, within 10 days of receipt of the notice from the Division of Motor Vehicles, notify the Division of his desire to contest the sale of the vehicle pursuant to the lien, and that the Division should so notify lienor.

Failure of the person with legal title or the occupant to notify the Division that a hearing is desired shall be deemed a waiver of the right to a hearing prior to sale of the vehicle against which the lien is asserted. Upon such failure, the Division shall so notify the lienor; the lienor may proceed to enforce the lien by a public sale as provided by this section; and the Division shall transfer title to the property pursuant to such sale.

If the Division is notified within the 10-day period provided in this section that a hearing is desired prior to the sale, the lien may be enforced by a public sale as provided in this section and the Division will transfer title only pursuant to the order of a court of competent jurisdiction.

- (2) If the property upon which the lien is claimed is other than a motor vehicle, the lienor following the expiration of the 15-day period provided by subsection (a) shall issue notice to the person having a security or other interest in the property, if reasonably ascertainable, and to the occupant, if different, at his last known address by registered or certified mail, return receipt requested.

The notice shall:

- a. State: (i) that a lien is being asserted against the specific property by the lienor, (ii) that the lien is being asserted for rental charges at the self-service storage facility, (iii) the amount of the lien, and (iv) that the lienor intends to sell or otherwise dispose of the property in satisfaction of the lien;
- b. provide a brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it, except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents;
- c. inform the person with a security or other interest in the property and occupant, if different, of their right to a judicial hearing at which a determination will be made as to the validity of the lien prior to a sale taking place;
- d. state that the person with a security or other interest in the property or the occupant, if different, has a period of 10 days from the date of receipt of the notice to notify the lienor by registered, or certified mail, return receipt requested, that a hearing is desired, and that if the legal title holder or occupant wishes to contest the sale of his property pursuant to the lien he should notify the lienor that a hearing is desired.

The person with a security or other interest in the property or the occupant must, within 10 days of receipt of the notice from the lienor, notify the lienor of his desire for a hearing, and state whether or not he wishes to contest the sale of the property pursuant to the lien.

Failure of the person with a security or other interest in the property, or the occupant to notify the lienor that a hearing is desired shall be deemed a waiver of the right to a hearing prior to the sale of the property against which the lien is asserted. Upon such failure the lienor may proceed to enforce the lien by a public sale as provided by this section.

If the lienor is notified, within the 10-day period as provided by this section, that a hearing is desired prior to the sale, the lien may be enforced by a public sale as provided in this section only pursuant to the order of a court of competent jurisdiction.

(c) Public Sale.

(1) Not less than 20 days prior to sale by public sale the lienor:

- a. Shall cause notice to be mailed to the person having legal title to the property if reasonably ascertainable, to the occupant if different, and to each secured party or other person claiming an interest in the property who is actually known to the lienor or can be reasonably ascertained, provided that notices provided pursuant to subsection (b) hereof shall be sufficient for these purposes if such notices contain the information required by subsection (d) hereof; and
- b. Shall advertise the sale by posting a copy of the notice of sale at the courthouse door in the county where the sale is to be held; and shall publish notice of sale once a week for two consecutive weeks in a newspaper of general circulation in the same county, the date of the last publication being not less than five days prior to the sale.

(2) The sale must be held on a day other than Sunday and between the hours of 10:00 a.m. and 4:00 p.m.:

- a. at the self-service storage facility or at the nearest suitable place to where the property is held or stored; or
- b. in the county where the obligation secured by the lien was contracted for.

(3) A lienor may purchase at public sale.

(d) Notice of Sale. The notice of sale shall include:

- (1) the name and address of the lienor;
- (2) a statement to the effect that various items of personal property are being sold pursuant to the assertion of a lien for rental at the self-service storage facility;
- (3) the place, date, and time of the sale.

“§ 44A-44. *Right of redemption, good faith purchaser's right, disposition of proceeds, lienor's liability.*—(a) Before the sale authorized by G.S. 44A-43, or other disposition of the property, the occupant may pay the amount necessary to satisfy the lien plus the reasonable expenses incurred by the owner for the preservation of the property and thereby redeem the property. Upon receipt of such payment, the owner shall return the personal property to the occupant; and thereafter shall have no further claim against such personal property on account of the lien which was asserted.

(b) A purchaser in good faith, and without knowledge of any defect in the sale of the personal property sold to satisfy a lien provided for in this Article takes the property free of any rights of persons against whom the lien was valid.

(c) Proceeds of a sale under this section shall be applied as follows:

- (1) Payment of reasonable expenses incurred in connection with the sale;
- (2) Payment of the obligation secured by any security interest that was perfected at the time the occupant stored the property at the self-service storage facility;
- (3) Payment of the obligation secured by the self-service storage facility lien;
- (4) Any balance shall be paid to the occupant or other person lawfully entitled thereto; but if such person cannot be found, the balance shall be paid to the clerk of superior court of the county in which the sale took place, to be held by the clerk for the person entitled thereto.

(d) If the lienor fails to comply substantially with any of the provisions of this section, he shall be liable to the occupant or any other party injured by such noncompliance in the sum of one hundred dollars (\$100.00), together with reasonable attorney's fees as awarded by the court. Damages provided by this section shall be in addition to actual damages to which any party is otherwise entitled.

“§ 44A-45. *Article is supplemental to lien created by contract.*—Nothing in this Article shall be construed as in any manner impairing or affecting the right of parties to create liens by contract or agreement.

“§ 44A-46. *Application.*—All rental agreements entered into before the effective date of this Article, and not extended or renewed after that date, and the rights and duties and interests flowing from them, shall remain valid, and may be enforced or terminated in accordance with their terms or as permitted by any other law of this State.”

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Sec. 2. G.S. 44A-2 is amended by adding a new subsection (e) to read as follows:

“(e) This Article shall not apply to liens created by storage of personal property at a self-service storage facility.”

Sec. 3. This act shall apply only to rental agreements, as defined in Section 1 of this act, that are entered into, extended, or renewed on or after the effective date of this act.

Sec. 4. This act shall become effective September 1, 1982.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1326 CHAPTER 1276

AN ACT TO PERMIT NORTH CAROLINA CITIES TO USE TAX INCREMENT FINANCING.

The General Assembly of North Carolina enacts:

Section 1. G.S. Chapter 159 is amended by enacting a new Article 6 thereof, to read as follows:

“ARTICLE 6.

“Tax Increment Financing Act.

“§ 159-101. *Short title.*—This Article may be cited as the “North Carolina Tax Increment Financing Act.”

“§ 159-102. *Definitions.*—As used in this Article:

(1) ‘Bonds’ or ‘tax increment bonds’ means tax increment bonds issued pursuant to this Article.

(2) ‘City’ means cities, towns, and incorporated villages.

(3) ‘Costs’ means ‘capital costs’ as defined in G.S. 159-48(h), except that ‘costs’ also include (i) interest on the bonds being issued or on notes issued in anticipation thereof during construction and for a period not exceeding four years after the estimated date of completion of construction and (ii) the establishment of debt service reserves.

“§ 159-103. *Authorization of tax increment bonds; purposes.*—Each city may issue tax increment bonds pursuant to this Article and use the proceeds to finance the following public activities as part of one or more downtown development projects to meet the costs of one or more redevelopment projects, as defined in G.S. 160A-503, or for any one or more of the purposes for which a city may issue general obligation bonds pursuant to G.S. 159-48, or both. However, the proceeds of such bonds may be used only in the tax increment district the tax increment of which is pledged as security for the bonds.

Subject to agreement with the holders of its tax increment bonds and the limitation on duration of tax increment districts set out in this Article, each city may issue further tax increment bonds and bonds to refund outstanding tax increment bonds of any one or more series whether or not they have matured. Tax increment bonds may be issued partly for the purpose of refunding outstanding tax increment bonds and partly for any other purpose under this Article. Tax increment bonds issued to refund outstanding tax increment bonds shall be issued under this Article and not under Article 4 of this Chapter.

“§ 159-104. *Application to Commission for approval of tax increment bond issue; preliminary conference; acceptance of application.*—A city may not issue tax increment bonds under this Article unless the issue is approved by the Local

Government Commission. The council of the issuing city, or its duly authorized agent, shall file an application for Commission approval of the issue with the secretary of the Commission. The application shall state such facts and have attached to it such documents concerning the proposed tax increment bonds, tax increment district, and tax increment plan and the financial condition of the city as the secretary may require. The Commission may prescribe the form of the application.

Before he accepts the application, the secretary may require the council or its representatives to attend a preliminary conference at which time the secretary and his deputies may informally discuss the proposed issue, district, and plan and the timing of the steps to be taken in issuing the bonds. The tax increment district need not be defined and the tax increment plan need not be adopted by the city council at the time it files the application with the secretary. However, before the Commission may enter its order approving the bonds, the council shall have defined the district and adopted the plan.

After an application in proper form and order has been filed, and after a preliminary conference if one is required, the secretary shall notify the city in writing that the application has been filed and accepted for submission to the Commission. The secretary's statement is conclusive evidence that the city has complied with this section.

"§ 159-105. *Approval of application by Commission.*—(a) In determining whether a proposed tax increment bond issue shall be approved, the Commission may consider:

- (1) whether the project or projects to be financed from the proceeds of the tax increment bond issue are necessary or expedient;
- (2) whether the proposed project or projects are feasible;
- (3) the city's debt management procedures and policies;
- (4) whether the city is in default in any of its debt service obligations;
- (5) whether the private development forecast in the tax increment plan would be likely to occur without the public project or projects to be financed by the tax increment bonds;
- (6) whether taxes on the incremental valuation accruing to the tax increment district, together with any other revenues available, will be sufficient to service the proposed tax increment bonds;
- (7) the ability of the Commission to market the proposed tax increment bonds at reasonable rates of interest.

The Commission may inquire into and give consideration to any other matters that it may believe to have a bearing on whether the issue should be approved.

(b) The Commission shall approve the application if, upon the information and evidence it receives, it finds and determines:

- (1) that the proposed tax increment bond issue is necessary or expedient;
- (2) that the amount proposed is adequate and not excessive for the proposed purpose of the issue;
- (3) that the proposed project or projects are feasible;
- (4) that the city's debt management procedures and policies are good, or that reasonable assurances have been given that its debt will henceforth be managed in strict compliance with law;
- (5) that the private development forecast in the tax increment plan would not be likely to occur without the public project or projects to be financed by the tax increment bonds;

- (6) that the proposed tax increment bonds can be marketed at reasonable interest cost to the issuing city;
- (7) that the issuing city has, pursuant to G.S. 160A-515.1, adopted a tax increment plan for the tax increment district for which the bonds are issued.

“§ 159-106. *Order approving or denying the application.*—(a) After considering an application the Commission shall enter its order either approving or denying the application. An order approving an issue shall not be regarded as an approval of the legality of the bonds in any respect.

(b) Unless the bonds are to be issued for a tax increment district for which a tax increment bond issue has already been approved, the day upon which the Commission enters its order approving an application for tax increment bonds is also the effective date of the tax increment district for which the bonds are issued.

(c) If the Commission enters an order denying the application, the proceedings under this Article are at an end.

“§ 159-107. *Determination of incremental valuation; use of taxes levied on incremental valuation; duration of the district.*—(a) Base valuation in the tax increment district. Once the Local Government Commission has entered its order approving a city's application for tax increment bonds, the city shall forthwith notify the tax supervisor of the county in which the tax increment district is located of the existence of the tax increment district. Upon receiving this notice, the tax supervisor shall determine the base valuation of the district, which is the assessed value of taxable property situated in the district on the January 1 immediately preceding the effective date of the district. If the city or a city agency acquired property within the district within one year before the effective date of the district, the tax supervisor shall presume, subject to rebuttal, that the property was acquired in contemplation of establishment of the district and shall include the value of the property so acquired in determining the base valuation of the district. The city may rebut this presumption by showing that the property was acquired primarily for a purpose other than to reduce the tax incremental base. Once he has determined the base valuation of the district, the tax supervisor shall certify this amount to the city and to the county in which the district is located.

(b) Adjustments to the base valuation. During the lifetime of the tax increment district, the base valuation shall be adjusted as follows:

- (1) If the city amends its tax increment plan, pursuant to G.S. 160A-515.1, to remove property from the tax increment district, on the succeeding January 1, that property shall be removed from the district and the base valuation reduced accordingly.
- (2) If the city amends its tax increment plan, pursuant to G.S. 160A-515.1, to expand the district, the new property shall be added to the district immediately. The base valuation of the district shall be increased by the assessed value of the taxable property situated in the added territory on the January 1 immediately preceding the effective date of the district.
- (3) If at the time of a revaluation of property in the county in which the district is located, conducted pursuant to G.S. 105-286, it appears that, based on the schedule of values, standards, and rules approved by the board of county commissioners pursuant to G.S. 105-317, the property values of the district as they existed on the January 1 immediately

preceding the effective date of the district would be increased because of the revaluation, then the base valuation shall be increased accordingly.

Any time the base valuation is adjusted, the tax supervisor shall forthwith certify the new base valuation to the city and to the county.

(c) Tax increment fund. When a city has established a tax increment district, and the tax increment bonds for that district are approved by the Commission, the city shall establish a separate fund to account for the proceeds paid to the city from taxes levied on the incremental valuation of the district.

(d) Levy of property taxes within the district. Each year the tax increment district is in existence, the tax supervisor shall determine the current assessed value of taxable property situated in the district. He shall also compute the difference between this current value and the base valuation of the district, by subtracting the base valuation from the current value. That difference, if positive, is the incremental valuation of the district. In each year the district is in existence, the city and the county shall levy taxes against property in the district in the same manner as taxes are levied against other property in the city or county. The proceeds from ad valorem taxes levied on property in the district shall be distributed as follows:

(1) In any year in which there is no incremental valuation in the district, all the proceeds of the taxes shall be retained by the city and county, as if there were no district in existence.

(2) In any year in which there is an incremental valuation in the district, the amount of tax due from each taxpayer on property in the district (except for taxes levied to service and repay debt secured by a pledge of the faith and credit, nonschool taxes levied pursuant to a vote of the people, and taxes levied for a municipal or county service district) shall be multiplied by a fraction, the numerator of which is the base valuation for the district and the denominator of which is the current valuation for the district. The amount shown as the product of this multiplication shall, when paid by the taxpayer, be retained by the city and county, as if there were no district in existence. The net proceeds of the remaining amount shall, when paid by the taxpayer, be turned over to the city finance officer, who shall place this amount in the special tax increment fund required by subsection (c) of this section. The net proceeds of each debt service tax, each voted tax, and each service district tax shall be paid to the government levying the tax. 'Net proceeds' is gross proceeds minus refunds, releases and any collection fee paid by the levying government to the collecting government.

(e) Use of moneys in the tax increment fund. Moneys placed in the tax increment fund may be used for any of these purposes, without priority, except as may be imposed by the bond order authorizing the tax increment bonds: (1) to finance city activities in the tax increment district pursuant to the tax increment plan; (2) to meet principal and interest requirements on tax increment bonds and bond anticipation notes issued for the district; and (3) to meet any other requirements imposed by the bond order authorizing the tax increment bonds. If in any year there is any money remaining in the tax increment fund after these purposes have been satisfied, the excess shall be paid to the city's and county's general funds, in proportion to their rates of ad valorem tax on taxable property situated in the tax increment district.

(f) Duration of district. A tax increment district shall terminate at the earlier of (1) the end of the twentieth year after the effective date of the district or (2) the date on which all tax increment bonds issued for the district have been fully retired or sufficient funds have been set aside, pursuant to the bond order authorizing the bonds, to meet all future principal and interest requirements on the bonds.

“§ 159-108. *Special covenants.*—A tax increment bond order or a trust agreement securing tax increment bonds may contain covenants as to:

(1) the pledge of all or any part of the taxes received or to be received on the incremental valuation in the tax increment district during the life of the bonds;

(2) rates, fees, rentals, tolls, or other charges to be established, maintained, and collected, and the use and disposal of revenues, gifts, grants, and funds received or to be received;

(3) the setting aside of debt service reserves and the regulation and disposition thereof;

(4) the custody, collection, securing, investment, and payment of any moneys held for the payment of tax increment bonds;

(5) limitations or restrictions on the purposes to which the proceeds of sale of tax increment bonds may be applied;

(6) limitations or restrictions on the issuance of additional tax increment bonds or notes for the same tax increment district; the terms upon which such additional tax increment bonds or notes may be issued or secured; or the refunding of outstanding tax increment bonds or notes;

(7) the acquisition and disposal of property for tax increment bond projects;

(8) provision for insurance and for accounting reports and the inspection and audit thereof;

(9) the continuing operation and maintenance of any project financed with the proceeds of the tax increment bonds.

“§ 159-109. *Security of tax increment bonds.*—Tax increment bonds are special obligations of the issuing city. The city may pledge the following sources of funds to the payment of the bonds, and no other sources: All or a portion of the moneys in the special tax increment fund required by G.S. 159-107(c); proceeds from the sale of property in the tax increment district; net revenues from any public facilities (other than portions of public utility systems) in the tax increment district financed with the proceeds of the tax increment bonds; and, subject to G.S. 159-47, net revenues from any other public facilities (other than portions of public utility systems) in the tax increment district constructed or improved pursuant to the tax increment plan.

The principal and interest on tax increment bonds are not payable from the general funds of the city, nor do the bonds constitute a legal or equitable pledge, charge, lien, or encumbrance upon any of the city's property or upon any of its income, receipts or revenues, except as may be provided pursuant to this section. Except as provided in G.S. 159-107, neither the credit nor the taxing power of the city are pledged for the payment of the principal or interest of tax increment bonds; and no holder of tax increment bonds has the right to compel the exercise of the taxing power by the city or the forfeiture of any of its property in connection with any default thereon. Every tax increment bond shall contain such recitals as are necessary to show the limited nature of the security for the bond's payment and that it is not secured by the full faith and credit of the city.

“§ 159-110. *Limitations on details of bonds.*—In fixing the details of tax increment bonds, the city council is subject to these restrictions and directions:

(1) The maturity date shall not exceed the shorter of (a) the longest of the various maximum periods of usefulness for the projects to be financed with bond proceeds, as prescribed by the Commission pursuant to G.S. 159-122, or (b) the end of the twentieth year after the effective date of the tax increment district.

(2) The first payment of principal shall be payable not more than four years after the date of the bonds.

(3) No bonds may be made payable on demand, but any bond may be made subject to redemption prior to maturity, with or without premium, on such notice and at such time or times and with such redemption provisions as may be stated. When any such bonds shall have been validly called for redemption and provision shall have been made for the payment of the principal thereof, any redemption premium, and the interest thereon accrued to the date of redemption, interest thereon shall cease.

(4) The bonds may bear interest as such rate or rates, payable semiannually or otherwise, may be in such denominations, and may be payable in such kind of money and in such place or places within or without the State of North Carolina, as the issuing city may determine.

“§ 159-111. *Annual report.*—Each year, in July, each city with outstanding tax increment bonds shall make a report to the county in which the tax increment district for which the bonds were issued is located, setting out the base valuation for the district, the current valuation for the district, the amount of remaining tax increment debt for the district, and the city's estimate of when the debt will be retired.”

Sec. 2. (a) G.S. 159-55 is amended by rewriting the last sentence of subsection (a)(1) to read as follows:

“However, for purposes of the sworn statement of debt and the debt limitation, revenue bonds and tax increment bonds shall not be considered debt, and such bonds shall not be included in gross debt nor deducted from gross debt.”

(b) G.S. 159-55 is further amended by adding a new sentence at the end of subsection (a)(4) to read as follows:

“In calculating the appraised value, the incremental valuation of any tax increment district located in the unit, as determined pursuant to G.S. 159-107, shall not be included.”

Sec. 3. G.S. 159-120 is rewritten as follows:

“§ 159-120. *‘Unit’ defined.*—As used in this Article, unless the context clearly requires another meaning, the words ‘unit’ or ‘issuing unit’ mean ‘unit of local government’ as defined in G.S. 159-44, ‘municipality’ as defined in G.S. 159-81, and ‘city’ as defined in G.S. 159-102.”

Sec. 4. G.S. 159-122 is amended by adding a sentence at the end of subsection (a) thereof to read as follows:

“The last installment of tax increment bonds shall mature on the earlier of 20 years after the effective date of the tax increment district for which the bonds are issued or the longest of the various maximum periods of usefulness for the projects to be financed with bond proceeds, as prescribed by the Commission pursuant to this section.”

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Sec. 5. G.S. 159-123 is amended by adding a new paragraph (6) to subsection (b) thereof, to read as follows:

“(6) Tax increment bonds.”

Sec. 6. G.S. 159-125 is amended by rewriting subsection (a) thereof, to read as follows:

“(a) Except for revenue bonds and tax increment bonds, no bid for less than the face value of the bonds plus accrued interest may be entertained.”

Sec. 7. G.S. 159-129 is amended by rewriting the first sentence thereof to read as follows:

“Each bond or bond anticipation note shall bear on its face or reverse a certificate signed by the secretary of the Commission or an assistant designated by him that the issuance of the bonds or notes has been approved under the provisions of the Local Government Bond Act, the Local Government Revenue Bond Act, or the North Carolina Tax Increment Financing Act.”

Sec. 8. G.S. 159-132 is amended by adding a new final sentence to read as follows:

“Unless otherwise provided in the trust agreement or resolution securing the bonds, the proceeds of tax increment bonds shall be remitted in the manner provided by this section for the remission of the proceeds of general obligation bonds.”

Sec. 9. G.S. 159-160 is rewritten as follows:

“§ 159-160. ‘Unit’ defined.—As used in this Part, the words ‘unit’ or ‘issuing unit’ mean ‘unit of local government’ as defined in G.S. 159-44, ‘municipality’ as defined in G.S. 159-81, and ‘city’ as defined in G.S. 159-102.”

Sec. 10. A new G.S. 159-163.1 is enacted, to read as follows:

“§ 159-163.1. *Security of tax increment bond anticipation notes.*—Notes issued in anticipation of the sale of tax increment bonds are special obligations of the issuing unit. Except as provided in G.S. 159-107, neither the credit nor the taxing power of the issuing unit may be pledged for the payment of notes issued in anticipation of the sale of tax increment bonds; and no holder of a tax increment bond anticipation note shall have the right to compel the exercise of the taxing power by the issuing unit or the forfeiture of any of its property in connection with any default thereon. Notes issued in anticipation of the sale of tax increment bonds may be secured by the same pledges, charges, liens, covenants, and agreements made to secure the tax increment bonds. In addition, the proceeds of each tax increment bond issue are pledged for the payment of any notes issued in anticipation of the sale thereof, and any such notes shall be retired from the proceeds of the sale as the first priority.”

Sec. 11. G.S. 159-165(b) is amended by adding a new sentence, between the present third and fourth sentences, to read as follows:

“Unless provided otherwise in the trust agreement or resolution securing the notes, the net proceeds of tax increment bond anticipation notes shall be remitted in the manner provided by this subsection for the remission of the proceeds of general obligation bond anticipation notes.”

Sec. 12. G.S. 159-176 is amended by rewriting the first sentence thereof as follows:

“If a unit of local government, a municipality, or a city (as respectively defined in G.S. 159-44, G.S. 159-81, and G.S. 159-102) fails to pay any installment of principal or interest on its outstanding debt on or before the due date (whether the debt is evidenced by general obligation bonds, revenue bonds,

tax increment bonds, bond anticipation notes, tax anticipation notes, revenue anticipation notes, or grant anticipation notes) and remains in default for 90 days, the Commission may take such action as it deems advisable to investigate the unit's, municipality's, or city's fiscal affairs, consult with its governing board, and negotiate with its creditors in order to assist the unit, the municipality, or the city in working out a plan for refinancing, adjusting, or compromising the debt."

G.S. 159-176 is further amended by changing the phrase "unit or municipality" each time it appears in the remainder of the section to read "unit, municipality, or city". G.S. 159-177 and G.S. 159-178 are amended by changing the words "unit or municipality" or "unit of local government or municipality" each time they appear to read "unit, municipality, or city"; and by changing the words "unit's or municipality's" each time they appear to read "unit's, municipality's, or city's".

Sec. 13. G.S. 160A-505(a) is amended by rewriting the third sentence thereof to read as follows:

"In the event a governing body designates itself to perform the powers, duties, and responsibilities of a redevelopment commission under this subsection, or exercises those powers, duties, and responsibilities pursuant to G.S. 153A-376 or G.S. 160A-456, then where any act or proceeding is required to be done, recommended, or approved both by a redevelopment commission and by the municipal governing body, then the performance, recommendation, or approval thereof once by the municipal governing body shall be sufficient to make such performance, recommendation, or approval valid and legal."

Sec. 14. G.S. 160A-512 is amended in paragraph (6) thereof by rewriting the clause after the third semicolon to read as follows:

"to enter into contracts, either before or after the real property that is the subject of the contract is acquired by the commission (although disposition of the property is still subject to G.S. 160A-514), with 'redevelopers' of property containing covenants, restrictions, and conditions regarding the use of such property for residential, commercial, industrial, or recreational purposes or for public purposes in accordance with the redevelopment plan and such other covenants, restrictions, and conditions as the commission may deem necessary to prevent a recurrence of blighted areas or to effectuate the purposes of this Article;"

Sec. 15. A new section G.S. 160A-515.1 is enacted, to read as follows:

"§ 160A-515.1. *Tax increment financing.*—(a) Authorization. As part of a downtown development project, a city may finance a redevelopment project and any related public improvements with the proceeds of tax increment bonds, issued pursuant to Article 6, G.S. Chapter 159, together with any other revenues that are available to the city. Before it receives the approval of the Local Government Commission for issuance of tax increment bonds, the city's governing body must define a tax increment district and adopt a tax increment plan for the district.

(b) Tax Increment District. A tax increment district shall comprise all or portions of one or more redevelopment areas defined pursuant to this Article. The total land area within tax increment districts in a city may not exceed five per cent (5%) of the total land area of the city; and any such district must be located in or near the central business district of the city.

(c) **Tax Increment Plan.** The tax increment plan shall be compatible with the redevelopment plan or plans for the redevelopment area or areas included within the district. The tax increment plan shall include:

1. a description of the boundaries of the tax increment district;
2. a description of the proposed development of the district, both public and private;
3. the costs of the proposed public activities;
4. the sources and amounts of funds to pay for the proposed public activities;
5. the base valuation of the tax increment district;
6. the projected incremental valuation of the tax increment district;
7. the estimated duration of the tax increment district.

(d) **Plan Adoption.** Before adopting a plan for a tax increment district, the city council shall hold a public hearing on the plan. The council shall, no more than 30 days and no less than 14 days before the day of the hearing, cause notice of the hearing to be published once and shall cause notice of the hearing to be mailed, by first class mail, to the board of county commissioners of the county in which the district is located. The notice shall state the time and place of the hearing, shall specify its purpose, and shall state that a copy of the proposed plan is available for public inspection in the office of the city clerk. At the public hearing, the council shall hear anyone who wishes to speak with respect to the proposed district and proposed plan. The council may adopt the plan, with or without amendment, at any time after the public hearing. However, the plan and the district do not become effective until the city's application to issue tax increment bonds has been approved by the Local Government Commission, pursuant to G.S. Chapter 159, Article 6.

(e) **Plan Modification.** Subject to the limitations of this subsection, a city council may amend a tax increment plan adopted for a tax increment district after the effective date of the district. Before making any amendment, the city council shall hold a public hearing, following the notice requirements set out in subsection (d) of this section. The boundaries of the district may be enlarged only during the first five years after the effective date of the district and only if the area to be added has been or is about to be developed and the development is primarily attributable to development that has occurred within the district, as certified by the Local Government Commission. The boundaries of the district may be reduced at any time, but the city may agree with the holders of any tax increment bonds to restrict its power to reduce district boundaries.

(f) **Plan Implementation.** In implementing a tax increment plan, a city may act directly, through a redevelopment commission, through one or more contracts with private agencies, or by any combination thereof."

Sec. 16. Liberal Construction. This act, being necessary for the prosperity and welfare of the State and its inhabitants, shall be liberally construed to effect the purposes hereof.

Sec. 17. Severability. If any clause or other portion of this Act shall be held invalid, that decision shall not affect the validity of the remaining portions of this act. It is hereby declared that all such remaining portions are severable and that the General Assembly would have enacted such remaining portions if the portions that may be so held to be invalid had not been included in this Chapter.

Sec. 18. This act becomes effective upon the certification by the State Board of Elections that an amendment to the North Carolina Constitution authorizing the enactment of general laws dealing with the transactions of the type contemplated by this act has been approved by the people of the State.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1480**CHAPTER 1277****AN ACT TO ADOPT CIVIL AND CRIMINAL SANCTIONS FOR FURNISHING FALSE TAX WITHHOLDING INFORMATION.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-163.5 is amended by adding two new subsections to read:

“(f) In addition to any criminal penalty provided by law, if an individual furnishes his employer with an exemption certificate that contains information which has no reasonable basis and that results in a lesser amount of tax being withheld under this Article than would have been withheld if the individual had furnished reasonable information, the individual is subject to a penalty of fifty percent (50%) of the amount not properly withheld.”

Sec. 2. This act is effective upon ratification and applies to offenses committed on and after that date.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1529**CHAPTER 1278****AN ACT TO PERMIT THE TAKING OF CATFISH AND EELS IN TRAPS FROM 258 BRIDGE TO OCCONEECHEE GUT IN NORTHAMPTON COUNTY.**

Whereas, catfish and eels are bottom feeders; and

Whereas, bass lay eggs on the bottom and catfish and eels will not eat bass eggs; and

Whereas, striped bass will not enter a catfish or eel pot; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. It is lawful to take catfish and eels in traps including baskets, fish pots, eel pots, automobile tires and others, with a special device fishing license, from 258 Bridge to Occoneechee Gut in Northampton County, except during the months of February through June.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1587

CHAPTER 1279

AN ACT TO ALLOW APPEALS FROM THE BUNCOMBE COUNTY BOARD OF TAX SUPERVISION TO THE COUNTY COMMISSIONERS AND TO ELIMINATE THE BOARD OF TAX SUPERVISION.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 105-322(e) and (g), property owners in Buncombe County may file a request for a hearing by the Buncombe County Board of Tax Supervision until August 31, 1982, and the Board of Tax Supervision may sit after July 1, 1982, to hear and determine these request.

Sec. 2. Notwithstanding G.S. 105-324, property owners in Buncombe County may not appeal a decision of the Buncombe County Board of Tax Supervision directly to the Property Tax Commission. Instead, these property owners may appeal decisions of the Board of Tax Supervision to the Buncombe County Board of Commissioners within the time and in the manner prescribed for appeals to the Property Tax Commission in G.S. 105-324. Provided, however, that any decision of the Board of Tax Supervision rendered prior to July 1, 1982, may be appealed at any time up to and including August 1, 1982, to the Buncombe County Board of Commissioners. Notwithstanding G.S. 105-325, the Board of County Commissioners shall have the powers and duties of a board of equalization and review under G.S. 105-322(g)(2) and (3) in hearing these appeals and shall follow the procedures set forth in G.S. 105-322, except subsection (e) of that section. The Board of County Commissioners shall sit as a body in hearing appeals from the Board of Tax Supervision.

Property owners may appeal decisions of the Board of County Commissioners to the Property Tax Commission within the time and in the manner prescribed for appeals from boards of equalization and review under G.S. 105-324. When the Board of County Commissioners affirms the decision of the Board of Tax Supervision and the property owner appeals the decision of the County Commissioners to the Property Tax Commission, the Board of Tax Supervision shall present the county's case before the Tax Commission. Otherwise, the Board of County Commissioners shall present the county's case to the Tax Commission.

Sec. 3. The tax collector for Buncombe County and the City of Asheville shall be nominated and elected by the people of Buncombe County for a term of four years at the primary and general election to be held in 1984 and quadrennially thereafter. The term shall begin on July 1 following the election. The tax collector shall continue in office until his successor is elected and qualified. Vacancies in the office of tax collector shall be filled by joint appointment of the Chairman of the Board of County Commissioners and the Mayor of Asheville. If the Chairman and Mayor are unable to agree upon an appointment, they shall so notify the Clerk of Superior Court of Buncombe County who shall then make the appointment. The Buncombe County Board of Commissioners shall determine the salary of the tax collector. Any person appointed to fill a vacancy in the office of tax collector shall be a member of the same political party as the person causing the vacancy. The tax collector has all the powers and duties conferred and imposed on county and city tax collectors by the Machinery Act. Before entering upon his duties, the tax collector shall give bond in an amount fixed by the Board of Commissioners but not less than fifty thousand dollars (\$50,000). The salary, conditions of employment and

authorized number of deputies of the tax collector shall be fixed by the Board of Commissioners. The tax collector has full power to appoint and supervise his deputies, subject to the budgetary powers of the Board of Commissioners and Asheville City Council.

Sec. 4. Chapter 802 of the 1971 Session Laws is repealed.

Sec. 5. Sections 1, 2, and 3 and 5 of this act are effective upon ratification but shall not affect the term and conditions of employment of the tax collector and his deputies prior to November 6, 1984. Section 4 of this act shall become effective November 6, 1984. Vacancies in the office of tax collector occurring after November 6, 1984, but before July 1, 1985, shall be filled as if Section 7 of Chapter 802 of the 1971 Session Laws had not been repealed.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1670 CHAPTER 1280

AN ACT TO EXTEND THE STATUTE OF LIMITATIONS IN ODOMETER FRAUD CASES TO FOUR YEARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-348(b) is amended by deleting the word "two" in the third line and inserting the word "four" in its place.

Sec. 2. This act is effective upon ratification, and shall apply to every cause of action not already barred.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1671 CHAPTER 1281

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, Chapter 1191, Session Laws of 1981 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Edwin E. Rankin of McDowell County and Laurence Eason Lilley of Martin County are appointed to the Board of Public Telecommunications Commissioners for terms to expire on June 30, 1983.

Sec. 2. Carl J. Stewart, Jr., of Gaston County is appointed to the Board of Transportation for a term to expire on June 30, 1983.

Sec. 3. Claude DeBruhl of Buncombe County is appointed to the Board of Trustees Teachers' and State Employees' Retirement System for a term to expire on June 30, 1983.

Sec. 4. Charles Pinkney Francis of Haywood County is appointed to the Environmental Management Commission for a term to expire on June 30, 1983.

Sec. 5. Ernest Leroy Carraway of Bertie County is appointed to the State Fire Commission for a term to expire on June 30, 1983.

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Sec. 6. Ray P. Rouse of Lenoir County is appointed to the Public Officers and Employees Liability Insurance Commission for a term to expire on June 30, 1983.

Sec. 7. Sankey Wright Robinson of Columbus County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term to expire on June 30, 1983.

Sec. 8. Mickey Hanula of Wake County and William Allen Taylor of Wake County are each appointed to the Housing Finance Agency for terms to expire on June 30, 1983. These are the two appointments without statutory requirement for special qualifications.

Sec. 9. Stanley Chris Payne of Dare County is appointed to the North Carolina Seafood Industrial Park Authority for a term to expire on June 30, 1983.

Sec. 9.1. George T. Rogister, Jr., of Wake County is appointed to the Committee for Review of Applications for Incentive Pay for State Employees for a term to expire on July 1, 1984.

Sec. 10. Joanne Brannon Aldridge of Watauga County and David Wyatt of Madison County are appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for terms to expire on June 30, 1983.

Sec. 11. Jessie Ray Scott of Alamance County is appointed to the North Carolina Board of Science and Technology for a term to expire on June 30, 1983.

Sec. 12. Durwood Laughinghouse of Beaufort County is appointed to the State Farm Operations Commission for a term to expire on June 30, 1983.

Sec. 13. Claude DeBruhl of Buncombe County is appointed to the Board of Commissioners of the Law Enforcement Officers' Benefit and Retirement Fund for a term to expire on June 30, 1983.

Sec. 14. Margaret Taylor of Wake County is appointed to the Board of Trustees of the North Carolina Museum of Art for a term to expire on June 30, 1983.

Sec. 15. Alfred Gene Smith of Bladen County and Reverend J. Murphy Smith of Craven County are appointed to the Commission for Mental Health, Mental Retardation, and Substance Abuse Services for terms to expire on June 30, 1983.

Sec. 16. William E. Holman of Wake County is appointed to the Governor's Waste Management Board for a term to expire on June 30, 1983.

Sec. 17. Lewis Morris Fetterman of Sampson County is appointed to the North Carolina Ports Authority for a term to expire on June 30, 1983.

Sec. 18. Clarence E. Leatherman of Lincoln County is appointed to the Property Tax Commission for a term to expire on June 30, 1983.

Sec. 19. Arnold Locklear of Robeson County is appointed to the Commission of Indian Affairs for a term to expire on June 30, 1983.

Sec. 20. Donald Allen Thompson of Montgomery County is appointed to the Wildlife Resources Commission for a term to expire on June 30, 1983.

Sec. 21. Pat Lloyd of Mecklenburg County is appointed to the Governor's Advocacy Council for Persons with Disabilities for a term to expire on June 30, 1983.

Sec. 22. All appointments made by this act are for terms to begin on the effective date of this act.

Sec. 23. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 61 CHAPTER 1282

AN ACT TO MODIFY CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA STATE GOVERNMENT FOR THE FISCAL YEAR 1982-83, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the State budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act or this act, the savings shall revert to the appropriate fund at the end of the fiscal year.

An outline of the provisions of the act follows this section. The outline shows the heading “—CONTENTS/INDEX—” and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

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(This outline is designed for reference only, and it in no way limits, defines, or prescribes the scope or application of the text of the act.)

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PART I.—CURRENT OPERATIONS/GENERAL FUND

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Sec. 2. The items and amounts appropriated from the General Fund for the 1982-83 fiscal year in the *1982-83* column of the schedule in Section 2 of Chapter 859 of the 1981 Session Laws are repealed, and appropriations from the General Fund for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the fiscal year ending June 30, 1983, according to the following schedule:

<u>Current Operations-General Fund</u>	<u>1982-83</u>
General Assembly	\$ 10,489,682
Judicial Department	87,123,849
Department of The Governor	
01. Office of The Governor	1,505,407
02. Office of Citizens Affairs	710,407
03. Office of State Budget and Management	2,886,472
Total Department of The Governor	5,102,286
Lieutenant Governor's Office	304,474
Department of Secretary of State	787,317
Department of State Auditor	8,014,905
Department of State Treasurer	
01. Operations	1,560,926
02. Retiree Benefits	15,736,900
03. Law Enforcement Officers' Retirement-Local's Share	6,795,900
04. Temporary Retirement Credit Purchases	100,000
Total Department of State Treasurer	24,193,726
Department of Public Education	
01. Program Administration and Support	16,453,521
02. Fiscal Administration and Support	1,422,282,249
Total Department of Public Education	1,438,735,770
Department of Community Colleges	193,502,513
Department of Justice	25,067,795
Department of Agriculture	21,559,941
Department of Labor	4,493,932
Department of Insurance	4,010,663
Department of Administration	33,520,933
Reserve for Microelectronics Center of North Carolina	21,482,000
Department of Transportation	
01. Public Transportation	1,340,000
02. Aeronautics	3,616,571
03. Aid to Railroads	100,000
Total Department of Transportation	5,056,571
Department of Natural Resources and Community Development	38,023,600
Department of Human Resources	

01. Alcoholic Rehabilitation Center - Black Mountain	2,330,702
02. Alcoholic Rehabilitation Center - Butner	1,723,832
03. Alcoholic Rehabilitation Center - Greenville	1,509,128
04. N.C. Special Care Center	2,795,799
05. DHR - Administration and Support Program	13,373,152
06. N.C. School for the Deaf	5,828,715
07. Eastern N.C. School for the Deaf	3,687,216
08. Central N.C. School for the Deaf	2,216,979
09. Governor Morehead School	3,596,982
10. Division of Health Services	49,605,209
11. Lenox Baker Hospital	389,055
12. McCain Hospital	3,136,334
13. Social Services	63,733,294
14. Medical Assistance	171,022,246
15. Social Services - State Aid to Non-State Agencies	3,823,750
16. Division of Services for the Blind	4,481,393
17. Division of Mental Health and Mental Retardation Services	64,677,847
18. Wright School	911,610
19. Dorothea Dix Hospital	23,565,281
20. Broughton Hospital	22,205,728
21. Cherry Hospital	20,483,315
22. John Umstead Hospital	21,984,700
23. Western Carolina Center	1,272,099
24. O'Berry Center	1,549,136
25. Murdoch Center	17,382,876
26. Caswell Center	10,916,842
27. Division of Facility Services	7,510,975
28. Division of Vocational Rehabilitation Services	14,961,125
29. Division of Youth Services	22,932,400
Total Department of Human Resources	563,607,720
Department of Correction	163,320,634
Department of Commerce	16,304,082
Department of Revenue	26,778,510
Department of Cultural Resources	20,541,725
Department of Crime Control and Public Safety	8,251,713
University of North Carolina - Board of Governors	

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01. General Administration	7,451,791
02. University Operations - Lump Sum	43,784,363
a. Agricultural Programs	500,000
03. Related Educational Programs	26,858,898
04. Center for Alcoholic Studies	175,000
05. University of North Carolina at Chapel Hill	
a. Academic Affairs	70,581,871
b. Division of Health Affairs	48,639,799
c. Area Health Education Centers	18,216,991
06. North Carolina State University at Raleigh	
a. Academic Affairs	72,594,620
b. Agricultural Research Service	19,535,517
c. Agricultural Extension Service	14,969,173
07. University of North Carolina at Greensboro	27,237,105
08. University of North Carolina at Charlotte	21,743,879
09. University of North Carolina at Asheville	5,092,628
10. University of North Carolina at Wilmington	11,615,921
11. East Carolina University	50,126,264
12. North Carolina Agricultural and Technical State University	18,282,160
13. Western Carolina University	17,519,963
14. Appalachian State University	25,319,711
15. Pembroke State University	6,617,705
16. Winston-Salem State University	7,681,759
17. Elizabeth City State University	6,347,448
18. Fayetteville State University	7,077,492
19. North Carolina Central University	15,040,235
20. North Carolina School of the Arts	4,261,504
21. North Carolina Memorial Hospital	23,478,814
Total University of North Carolina	570,750,611
State Board of Elections	212,023
Contingency and Emergency Reserve for Legislative	1,255,000
Cost-of-Living Increase	126,262,445
Reserve for Salary Adjustments	1,896,882
Reserve for Ninth Salary Step	6,114,430
Reserve for Retirees' Formula Change	1,653,000

Reserve for Cost-of-Living	
Adjustment for Retirees	4,376,300
Reserve for Law Enforcement	
Officers' Retirement	154,470
Reserve for Travel	2,000,000
Reserve for Hospital-Medical	
Benefits	30,100,000
Reserve for Electronic	
Data Processing	1,030,000
Reserve for Office	
Furniture and Equipment	500,000
Reserve for Unreduced	
Retirement Allowance	229,000
Reserve for "Willie M."	10,000,000
Debt Service - Interest	33,220,500
Debt Service - Redemption	41,800,000
GRAND TOTAL CURRENT OPERATIONS-	
GENERAL FUND	\$3,551,829,002

PART II.—CURRENT OPERATIONS/HIGHWAY FUND

Sec. 3. The amounts appropriated from the Highway Fund for the 1982-83 fiscal year in the 1982-83 column of the schedule in Section 3 of Chapter 859 of the 1981 Session Laws, are repealed, and appropriations from the Highway Fund for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of transportation-related activities are made for the fiscal year ending June 30, 1983, according to the following schedule:

<u>Current Operations - Highway Fund</u>	<u>1982-83</u>
Department of Transportation	
01. Administration	\$ 15,653,820
02. Highways	
a. Administration and	
Operations	19,809,974
b. State Construction	
(01) Primary Construction	1,500,000
(02) Secondary Construc-	
tion	41,783,000
(03) Urban Construction	5,700,000
(04) Access and Public	
Service Roads	2,525,000
(05) Bridge Replacements	225,000
c. State Funds to Match	
Federal Highway Aid	
(01) Construction	14,190,732
(02) Planning Survey and	
Highway Planning	
Research	1,837,289
d. State Maintenance	
(01) Primary	58,488,515
(02) Secondary	107,678,127
(03) Urban	15,075,498

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	(04) Contract Resurfacing	71,014,244
	e. Ferry Operations	10,114,459
	f. State Aid to Municipalities	41,383,000
	g. Fringe Benefits for Central Offices, Division of Motor Vehicles, and Equipment Unit	
	(01) Merit Salary Increments	166,367
	(02) Social Security	4,194,087
	(03) Retirement	5,378,217
	(04) Hospital/Medical Insurance	1,165,075
03.	Division of Motor Vehicles	29,894,693
04.	Governor's Highway Safety Program	114,431
05.	Reserve for Cost-of-Living Adjustments for Retirees	371,900
06.	Reserve for Unreduced Retirement Allowance	18,400
07.	Salary Adjustments for Highway Fund Employees	200,000
08.	Reserve for Retirees' Formula Change	140,800
09.	Debt Service	39,166,500
10.	Reserve to Correct Occupa- tional Safety & Health Act Deficiencies	350,000
11.	Reserve for Hospital/Medical Benefits	2,530,000
12.	Reserve for Law enforcement Officers' Retirement	452,855
13.	Reserve for Ninth Salary Step	1,265,000
14.	Reserve for Legislative Cost- of-Living Salary Increase	4,242,465
15.	Reserve for Law Enforcement Officers' Liability Insurance	37,000
16.	Reserve for Law Enforcement Officers' Salary Adjustment	2,765,016
17.	Appropriations for Other State Agencies	
	01. Crime Control & Public Safety	45,708,993
	02. Other Agencies	
	a. Department of Agriculture	1,611,306
	b. Department of Commerce	624,918
	c. Department of Revenue	1,059,652
	d. Department of Human Resources	244,992

e. Department of	
Correction	1,750,000
Contingencies and Emergency Fund	100,000
GRAND TOTAL CURRENT OPERATIONS -	

HIGHWAY FUND	\$ 550,531,325
PART III.—CAPITAL IMPROVEMENTS/GENERAL FUND	

Sec. 4. The items and amounts appropriated for the 1982-83 fiscal year from the General Fund in the schedule in Section 4 of Chapter 860 of the 1981 Session Laws are reenacted, and additional appropriations are made from the General Fund for use by State institutions, departments and agencies to provide for capital improvement projects according to the following schedule:

Capital Improvements	1982-83
Crime Control and Public Safety (Total)	\$ 242,520
01. Planning and Design - Butner	
Fire Station	30,500
02. Parkton Armory	746,793
Less - Federal Funds	533,234
- Local Funds	103,684
General Fund	109,875
03. Roanoke Rapids Armory	710,550
Less - Federal Funds	509,363
- Local Funds	99,042
General Fund	102,145
Cultural Resources (Total)	\$ 1,421,800
01. Reserve for Commemorating	
America's 400th Anniversary	1,421,800
Human Resources (Total)	\$ 450,000
01. Life-Safety Code Improvements -	
O'Berry Center	450,000
Natural Resources and Community Development	
(Total)	\$ 400,000
01. Reserve for Civil Works	400,000
GRAND TOTAL - GENERAL FUND	\$ 2,514,320

PART IV.—CAPITAL IMPROVEMENTS/HIGHWAY FUND

Sec. 5. Appropriations are made from the Highway Fund for use of the Department of Transportation to provide for capital improvement projects according to the following schedule:

Division of Highways	1982-83
01. Equipment/Maintenance	
Complex - Charlotte	\$ 400,000
02. Security Fencing	400,000
03. Reserve for Ferry Maintenance Facility	1,200,000
04. Ferry Replacement	2,500,000
Division of Motor Vehicles	
01. Drivers License Offices	473,000
GRAND TOTAL - HIGHWAY FUND	\$ 4,973,000

PART V.—APPROPRIATION OF FEDERAL BLOCK GRANT FUNDS

Sec. 6. Appropriations from federal block grant funds are made for the fiscal year ending June 30, 1983 according to the following schedule:

Department of Human Resources

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01. Division of Mental Health, Mental Retardation, and Substance Abuse Services - Alcohol and Drug Abuse and Mental Health Services Block Grant	\$	12,296,248
02. Division of Health Services		
a. Maternal and Child Health Services Block Grant	\$	10,933,493
b. Preventive Health and Health Services Block Grant	\$	2,817,940
03. Division of Social Services		
a. Social Services Block Grant	\$	62,188,467
b. Low Income Energy Assistance Block Grant	\$	40,618,159
Total Department of Human Resources	\$	128,854,307
Department of Natural Resources and Community Development		
01. Community Services Block Grant	\$	7,419,781
02. Community Development Block Grant	\$	46,374,000
Total Department of Natural Resources and Community Development	\$	53,793,781
Department of Public Education		
01. Education Consolidation and Improvement Act Chapter II	\$	11,053,882
Total Federal Block Grants	\$	193,701,970

PART VI.—SALARY AND FRINGE BENEFITS

—MERIT SALARY INCREMENTS FROZEN/FIVE PERCENT COST-OF-LIVING INCREASE CONTINUED

Sec. 7. Notwithstanding the provisions of Section 19.1 of Chapter 1137 of the 1979 Session Laws as amended by Chapter 1053 of the 1981 Session Laws, G.S. 115C-12(9)a, G.S. 126-7, the rules of the Board of Community Colleges, the rules of the Board of Governors of The University of North Carolina, or any other provisions of rules or law, no funds appropriated by the General Assembly or any money, including foundation money, collected by or for any State departments, institutions, bureaus, boards, commissions, persons, corporations or agencies under any general law of this State shall be expended for, and no State employee shall be eligible for or considered for or receive any performance salary increases, efficiency salary increments, merit salary increments, or annual increments. For the purpose of this section, State employee includes:

- (1) State and local employees subject to the State Personnel Act,
- (2) Public school superintendents, principals, teachers and other public school employees,
- (3) Employees exempted from the State Personnel Act by action of the Governor or the Lieutenant Governor,
- (4) Instructional and research staff, physicians and dentists of The University of North Carolina,
- (5) Employees whose salaries are fixed under the authority of G.S. 116-11(4), G.S. 116-11(5) and G.S. 116-11(14),
- (6) Community colleges employees whose salaries are fixed in accordance with the provisions of G.S. 115D-3, G.S. 115D-5 and G.S. 115D-20,
- (7) Officials or employees whose salaries are fixed by the Governor or by the Governor and the Council of State, or by the Governor subject to the advice

or approval of the Council of State or the Advisory Budget Commission or the General Assembly,

(8) Employees of the General Assembly,

(9) Employees of the Judicial department,

(10) Blind or visually handicapped employees of the Department of Human Resources, Division of Services for the Blind, Business Enterprise Section,

(11) Vending stand employees, and

(12) Constitutional officers of the State.

In order to insure the intent of the General Assembly in freezing salary increment increases for fiscal year 1982-83, any and all salary increases not specifically covered elsewhere in this act to any personnel under the authority of the Governor, referenced in this section, shall be limited to severe labor market conditions which endanger the State's ability to recruit and retain employees, to conditions which endanger the State's services to the public, and to bona fide agency reorganizations due to major changes in the State's services to the public, as may be determined by policies set by the Director of the Budget upon recommendation of the Advisory Budget Commission.

Sec. 7.1. The five percent (5%) salary increases granted to all State employees by Sections 6 through 15 of Chapter 1127 of the 1981 Session Laws shall continue in effect for the 1982-83 fiscal year.

Sec. 7.2. Section 10 of Chapter 1127 of the 1981 Session Laws is amended by deleting the dates "1981-82" and substituting "1982-83".

—ONE-TIME PER CAPITA PAYMENTS TO EMPLOYEES

Sec. 7.3. If the current revenue collections for the first six months of fiscal year 1982-83 exceed the amounts budgeted from the State's General and Highway Funds, the amount over-collected shall be paid by the Director of the Budget to each employee supported by the General and Highway Funds on a one-time per capita basis, provided that the amount paid per capita is at least two hundred dollars (\$200.00) and that the over-collections are anticipated to be maintained for the remainder of the fiscal year. Any employee who has been continuously employed or under contract for the 12 months prior to the payment shall be eligible for it. Also, this provision shall be liberally construed to the end that otherwise qualifying part-time permanent employees and permanent employees who were on authorized leave for a portion of the 12 months prior to the payment shall receive pro rata shares of the payment. The payments shall be made by the Director of the Budget within 45 days of January 1, 1983. The Director of the Budget is further authorized to make the same one-time per capita payments to employees who are supported from sources other than the State's General and Highway Funds, provided sufficient funds are available from the same sources which support the salaries of those employees.

—ELIMINATION OF VACANT POSITIONS

Sec. 7.4. The funds appropriated in Section 2 of this act to the several State agencies and departments reflect a reduction of eight million seven hundred twelve thousand five hundred dollars (\$8,712,500) for the elimination of vacant employee positions. The Director of the Budget may reallocate these reductions among the several State agencies and departments in order to correct any inequities that may arise as a result of these reductions.

—TAX SHELTER FOR TEACHERS AND STATE EMPLOYEES

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Sec. 8. G.S. 135-8 is amended by the addition of a new subsection (b1) immediately after subsection (b) to read:

“(b1) Pick Up of Employee Contributions.—Anything within this section to the contrary notwithstanding, effective July 1, 1982, an employer, pursuant to the provisions of Section 414(h)(2) of the Internal Revenue Code of 1954 as amended, shall pick up and pay the contributions which would be payable by the employees as members under subsection (b) of this section with respect to the service of employees after June 30, 1982.

The members' contributions picked up by an employer shall be designated for all purposes of the Retirement System as member contributions, except for the determination of tax upon a distribution from the System. These contributions shall be credited to the annuity savings fund and accumulated within the fund in a member's account which shall be separately established for the purpose of accounting for picked-up contributions.

Member contributions picked up by an employer shall be payable from the same source of funds used for the payment of compensation to a member. A deduction shall be made from a member's compensation equal to the amount of his contributions picked up by his employer. This deduction, however, shall not reduce his compensation as defined in subdivision (7a) of G.S. 135-1. Picked up contributions shall be transmitted to the System monthly for the preceding month by means of a warrant drawn by the employer and payable to the Teachers' and State Employees' Retirement System and shall be accompanied by a schedule of the picked-up contributions on such forms as may be prescribed. In the case of a failure to fulfill these conditions, the provisions of subsection (f)(3) of this section shall apply.

The pick up of employee contributions by an employer as provided for hereunder shall be equally applicable to participant contributions required under the optional retirement program as specified in G.S. 135-5.1(c).”

—TAX SHELTER FOR LOCAL GOVERNMENT EMPLOYEES

Sec. 9. G.S. 128-30 is amended by the addition of a new subsection (b1) immediately after subsection (b) to read:

“(b1) Pick Up of Employee Contributions.—Anything within this section to the contrary notwithstanding, effective July 1, 1982, an employer, pursuant to the provisions of Section 414(h)(2) of the Internal Revenue Code of 1954 as amended, may elect to pick up and pay the contributions which would be payable by the employees as members under subsection (b) of this section with respect to the service of employees after June 30, 1982.

The members' contributions picked up by an employer shall be designated for all purposes of the Retirement System as member contributions, except for the determination of tax upon a distribution from the System. These contributions shall be credited to the annuity savings fund and accumulated within the fund in a member's account which shall be separately established for the purpose of accounting for picked-up contributions.

Member contributions picked up by an employer shall be payable from the same source of funds used for the payment of compensation to a member. A deduction shall be made from a member's compensation equal to the amount of his contributions picked up by his employer. This deduction, however, shall not reduce his compensation as defined in subdivision (7a) of G.S. 128-21. Picked-up contributions shall be transmitted to the System monthly for the preceding month by means of a warrant drawn by the employer and payable to the Local

Governmental Employees' Retirement System and shall be accompanied by a schedule of the picked-up contributions on such forms as may be prescribed. In the case of a failure to fulfill these conditions the provisions of subsection (f)(3) of this section shall apply."

—**INTENT TO CAUSE A TAX SHELTERING OF EMPLOYEE RETIREMENT CONTRIBUTIONS FOR LAW ENFORCEMENT OFFICERS, JUDGES, DISTRICT ATTORNEYS AND CLERKS OF SUPERIOR COURT**

Sec. 10. It is the intent and policy of the General Assembly to enact laws giving all North Carolina public employees full advantage of income tax sheltering of contributions to State administered retirement systems under Section 414(h)(2) of the Internal Revenue Code of 1954 as amended. In order to fulfill this intent, the Board of Commissioners of the Law Enforcement Officers' Benefit and Retirement Fund and the Board of Trustees of the Teachers' and State Employees' Retirement System (in their capacity as the Board of Trustees of the Uniform Judicial Retirement System, Uniform Solicitorial Retirement System and Uniform Clerks of Superior Court Retirement System) are directed to submit recommendations to the 1983 Session of the General Assembly on the changes in these systems necessary to qualify and cause income tax sheltering of employee contributions to these retirement systems.

—**ADDITIONAL COST-OF-LIVING ALLOWANCE IN TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM**

Sec. 11. G.S. 135-5 is amended by adding a new subsection (ff) to read:

"(ff) From and after July 1, 1982, the retirement allowance to or on account of beneficiaries on the retirement rolls as of July 1, 1981, shall be increased by one-tenth of one percent (0.1%) of the allowance payable on July 1, 1981."

—**SALARY-RELATED CONTRIBUTIONS/EMPLOYERS**

Sec. 12. Required employer salary-related contributions for employees whose salaries are paid from department, office, institution, or agency receipts shall be paid from the same source as the source of employee's salary. If an employee's salary is paid in part from the General Fund and in part from department, office, institution, or agency receipts, required employer salary-related contributions shall be paid from the General Fund only to the extent of the proportionate part paid from the General Fund in support of the salary of the employee, and the remainder of the employer's requirements shall be paid from the source which supplies the remainder of the employee's salary. The requirements of this section as to source of payment are also applicable to payments on behalf of the employee for hospital-medical insurance, longevity, and unemployment insurance.

The State employer contribution percentage rates of covered salaries budgeted for the retirement systems for 1982-83, are (1) 9.93% - Teachers' and State Employees'; (2) 11.08% for State officers and 6.08% for Local Government officers - Law Enforcement Officers'; (3) 30.77% - Uniform Judicial; (4) 24.03% - Uniform Solicitorial; and, (5) 29.00% - Uniform Clerks of Superior Court.

—**PRIOR SERVICE CREDIT FOR TEMPORARY EMPLOYMENT**

Sec. 13. Within 30 days of the ratification of this act, the Board of Trustees of the Teachers' and State Employees' Retirement System of North Carolina shall notify persons who may be eligible for prior service credit for temporary employment pursuant to Chapter 1116 of the 1981 Session Laws.

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Sixty days after the ratification of this act, the Board of Trustees shall rank applications from those persons in priority order by the amount of time an applicant has accumulated as a temporary employee and shall fill the applications in that order.

This section shall in no way obligate this or future General Assemblies to make additional appropriations for this purpose.

—AUTHORIZATION FOR PAYROLL DEDUCTION FOR THE STATE EMPLOYEES COMBINED CAMPAIGN

Sec. 14. G.S. 147-62 is amended by adding at the end, the following:

“Provided further, that subject to the rules and regulations adopted by the Director of the Budget, any employee of the State or of any of its institutions, departments, bureaus, agencies or commissions may authorize in writing the withholding from his salary or wages an amount to satisfy his pledge to the State Employees Combined Campaign.”

—AUTHORIZATION FOR PAYROLL DEDUCTION FOR CHARITIES APPROVED BY LOCAL BOARDS OF EDUCATION OR COMMUNITY COLLEGES

Sec. 15. G.S. 147-62 is further amended by adding at the end:

“Provided further, that subject to any rules and regulations adopted by the Director of the Budget, any employee of a local board of education or community college may authorize in writing the withholding from his salary or wages a periodic deduction of a designated sum to be paid to any organization which qualifies for recognition of exemption by the Internal Revenue Service as a charitable organization as defined in Section 501(c)(3) of the Internal Revenue Code which has first been approved by his local board of education or community college board.”

—LEAVE FOR INCLEMENT WEATHER

Sec. 15.1. The first paragraph of G.S. 115C-84 is amended to read:

“(c) School Term. There shall be operated in every school in the State a uniform school term of 180 days for instructing pupils. For up to five of these days during the school year on which schools are closed due to hazardous weather conditions, natural disaster or other emergency, local boards of education may excuse teachers and students from attendance without requiring that the days be made up or affecting teachers’ pay. For up to 60 of these days, when in the sound judgment of the State Board of Education, or the local board with the approval of the State Board, conditions justify the suspension of school, the State Board of Education or the local board with the approval of the State Board, may suspend operation of a school and for 15 of these days, teachers shall be entitled to normal pay. Local boards of education are directed to report all days waived to the State Board of Education. Such report shall include justification for their actions.”

PART VII.—HUMAN RESOURCES

—MEDICAID

Sec. 16. Section 22 of Chapter 1127 of the 1981 Session Laws is repealed. The repeal does not revive Section 14 of Chapter 859 of the 1981 Session Laws.

(1) *Medicaid Reimbursement.*—Appropriations in Section 2 of this act for services provided in accordance with Title XIX of the Social Security Act (Medicaid) are for both the categorically needy and the medically needy. Funds appropriated for these services are to be expended in accordance with the

following schedule of services and payment basis. All services and payments are subject to the language at the end of this subdivision.

Services

Payment Basis

Hospital - Inpatient

Payment for hospital inpatient services will be based on a prospective rate reimbursement plan as established by the Department of Human Resources. Administrative days for any period of hospitalization shall be limited to a maximum of three days.

Hospital - Outpatient

80 percent of allowable costs.

Mental and Specialty

Allowable costs.

Hospitals

Skilled Nursing

As prescribed under the State Plan for reimbursing long term care facilities. Skilled nursing facility participation in the Medicare program is a condition of participation in the North Carolina Medicaid skilled nursing facility program.

Facilities and

Intermediate Care Facilities

As prescribed under the State Plan for reimbursing intermediate care facilities for the mentally retarded.

Intermediate Care

Facilities for the

Mentally Retarded

Drug cost as allowed by federal regulations plus \$2.80 professional service fee per month excluding refills for same drug or generic equivalent during the same month. (Payments for drugs are subject to the provisions of subdivision (8) of this section.) Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills.

Drugs

Fee schedules as developed by the Department of Human Resources in accordance with the provisions of the Administrative Procedures Act designed to encourage the participation of primary care physicians in the medical assistance program, and

Physicians, Chiropractors,

Podiatrists, Optometrists,

Dentists

	to reduce unnecessary use of inpatient services. (Payments for dental services are subject to the provisions of subdivision (7) of this section.)
Home Health Medicare Buy-In	Allowable costs. Social Security Administration premium.
Clinic Services	Reasonable customary charges as determined by the State under federal regulations.
Ambulance Services	100 percent of allowable, reasonable, usual and customary charges.
EPSDT Screens	Established rate approved by the Department.
Hearing Aids	Actual cost plus a dispensing fee.
Rural Health Clinic Services	Provider based - reasonable cost; nonprovider based - single cost reimbursement rate per clinic visit.
Family Planning	Negotiated rate for local health departments and other providers - see specific services, i.e., hospitals, physicians, etc.
Independent Laboratory and X-Ray Services	90 percent of allowable usual and customary charges.
Optical Supplies	100 percent of reasonable wholesale cost of materials.
Ambulatory Surgical Centers	Negotiated rates, established by the Department of Human Resources.
Mental Health Clinics	Negotiated rates in accordance with federal regulations.
Medicare Crossover Claims	Total payments for services from Medicare and Medicaid rendered to Medicare patients, who are also eligible for Medicaid, shall not exceed the Medicaid payment for the same services.

Notwithstanding the schedule for services and payments bases in this section, increases in Medicaid rates for home health services, clinic services, ambulance services, EPSDT screens, hearing aid dispensing fees, rural health clinics, family planning, independent laboratory and x-ray services, ambulatory surgical centers, and mental health clinics shall be limited to seven percent (7%).

Reimbursement is available for up to 24 visits per recipient per year to any one or combination of the following: physicians, clinics, hospital outpatient, optometrists, chiropractors, and podiatrists. Prenatal services, EPSDT screens and emergency rooms are exempt from the visit limitations contained in this paragraph. Exceptions may be authorized by the Department of Human Resources where the life of the patient would be threatened without such additional care. Any person who is determined by the Department to be exempt from the 24 visit limitaion shall also be exempt from the six prescription limitation.

Payment basis terms of allowable, usual, reasonable, and customary are definitive terms prescribed by federal regulations governing the Medicaid program. Any changes in services or basis of payment in the Medicaid program must be approved by the Director of the Budget with the advice of the Advisory Budget Commission.

(2) *Allocation of Nonfederal Cost of Medicaid.*—The State shall pay eighty-five percent (85%) and the counties shall pay fifteen percent (15%) of the nonfederal costs of all applicable services listed in this section, except that the State shall pay sixty-five percent (65%) and the counties shall pay thirty-five percent (35%) of the nonfederal costs of those Skilled Nursing Facilities and Intermediate Care Facilities services which are not owned by the State.

(3) *Co-payment for Medicaid Services.*—Medicaid recipients shall pay the maximum co-payment as allowed by federal regulations.

No co-payment is required for EPSDT-related services, family planning services, State hospital services, or services subject to Medicare Part A or Part B coverage.

Co-payment for inpatient hospital services is limited to the first 30 days of each stay.

(4) *Prepaid Health Care for Medicaid Recipients.*—The Department of Human Resources, Division of Medical Assistance is authorized, subject to approval of a change in the State Medicaid Plan by the Director of the Budget with the advice of the Advisory Budget Commission, to purchase health care services on a prepaid basis.

(5) *Medicaid and Aid to Families with Dependent Children Income Eligibility Standards.*—Maximum net family annual income eligibility standards for Medicaid, Aid to Families with Dependent Children and the Standard of Need for Aid to Families with Dependent Children shall be as follows:

Family Size	<u>Categorically Needy</u>		<u>Medically Needy</u>	
	<u>Standard of Need</u>	<u>AFDC Payment Level*</u>	<u>AA,AB,AD*</u>	
1	\$ 3,616	\$ 1,608	\$ 1,700	\$ 2,200
2	4,224	2,112	2,200	2,900
3	4,848	2,424	2,500	3,300
4	5,304	2,652	2,800	3,600
5	5,808	2,904	3,000	3,900
6	6,264	3,132	3,200	4,200
7	6,720	3,360	3,400	4,500
8	6,984	3,492	3,600	4,700

*Aid to Families with Dependent Children (AFDC); Aid to the Aged (AA); Aid to the Blind (AB); and Aid to the Disabled (AD). The payment level for Aid to

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Families with Dependent Children shall be fifty percent (50%) of the standard of need. The dollar amounts shown above for the Standard of Need, AFDC payment level, and medically needy shall become effective August 1, 1982. Notwithstanding the repeal of Section 22 of Chapter 1127, 1981 Session Laws, at the beginning of this section, the dollar amounts for the Standard of Need, AFDC payment level, and medically needy contained in that section shall remain in effect until July 31, 1982. The State shall pay the entire nonfederal share of this increase for the 1982-83 fiscal year.

These standards may be changed with the approval of the Director of the Budget with the advice of the Advisory Budget Commission.

(6) *Spouse Responsibility*.—Rules governing the income and financial resources of the spouse of a person who is admitted as a long-term care patient in a certified public or private intermediate care or skilled nursing facility shall be consistent with federal regulations and with the June 25, 1981, decision of the U.S. Supreme Court in *Schweiker v. Grey Panthers* 453 U.S. 34, 101 S.Ct. 2633, 69 L.Ed.2d 460 (1981).

(7) *Dental Coverage Limits*.—Dental services will be provided on a restricted basis in accordance with regulations developed by the Department. Funds for dental services shall be disbursed only with prior approval by the Department of Human Resources, Division of Medical Assistance as required by this paragraph. No prior approval shall be required for emergency services or routine services. Routine services are defined as examinations, X-rays, prophylaxis, nonsurgical tooth extractions, amalgam fillings, and fluoride treatments. Prior approval shall be required for all other services and for routine services performed more than two times during a consecutive 12-month period. The Department of Human Resources shall establish rules and regulations, as provided by the Administrative Procedures Act, to implement this subdivision.

(8) *Dispensing of Generic Drugs*.—Notwithstanding Part 1A of Article 4 of Chapter 90 of the General Statutes, under the Medicaid Assistance program (Title XIX of the Social Security Act) a prescription order for a drug designated by a trade or brand name shall be considered to be an order for the drug by its established or generic name, except when the prescriber personally indicates, either orally or in his own handwriting on the prescription order, “dispense as written” or words of similar meaning.

As used in this paragraph “brand name” means the proprietary name the manufacturer places upon a drug product or on its container, label or wrapping at the time of packaging; and “established name” shall have the same meaning as assigned that term by the Federal Food, Drug and Cosmetic Act as amended, Title 21 U.S.C. 301 et seq.

(9) *Exceptions to Service Limitations, Eligibility Requirements and Payments*.—Service limitations, eligibility requirements, and payments bases in this section may be waived by the Department of Human Resources, with the approval of the Director of the Budget, to allow the Department to carry out pilot programs for prepaid health plans or community based services programs in accordance with plans approved by the U.S. Department of Health and Human Services.

—NONMEDICAID MEDICAL SERVICES/STATE PROGRAMS

Sec. 17. Providers of medical services under the various State programs other than Medicaid offering medical care to citizens of the State shall be

reimbursed at rates no more than those under the North Carolina Medical Assistance Program. The Department of Human Resources may reimburse hospitals in fiscal year 1982-83 based upon the prospective per diem rate established on July 1, 1982, for the North Carolina Medical Assistance Program; provided, that if interim Medicaid rates for inpatient and outpatient services are used to reimburse providers of medical services under the various State programs other than Medicaid, retroactive adjustments to claims already paid shall not be required."

Maximum net family annual income eligibility standards for services in these programs except Migrant Health and School Health shall be as follows:

Family Size	Kidney	Medical Eye Care	Rehabilitation	All Other
1	6,400	Adults 1,800	5,053	4,200
2	8,000	2,520	6,608	5,300
3	9,600	3,180	8,161	6,400
4	11,000	3,600	9,718	7,500
5	12,000	3,960	11,276	7,900
6	12,800	4,320	12,828	8,300
7	13,600	4,680	13,116	8,800
8	14,400	5,040	13,411	9,300

These standards may be changed with the approval of the Director of the Budget and the advice of the Advisory Budget Commission.

—COUNTY MEDICAID RELIEF FUNDS

Sec. 18. Of the funds appropriated to the Department of Human Resources, Division of Medical Assistance in Section 2 of this act, the sum of six million six hundred four thousand eight hundred seventy-four dollars (\$6,604,874) shall be used to relieve those counties of the additional costs the counties incurred in fiscal year 1981-82 due to the difference between the State-county participation rates for domiciliary care facilities and non-State-owned skilled nursing and intermediate care facilities in effect in fiscal year 1981-82 and those in effect in fiscal year 1977-78 and that they would not have incurred had these sections not been enacted. These funds shall be distributed for actual cost incurred or on a pro rata basis in the proportion that an individual county's additional cost bears to the total additional cost to those counties which incurred additional costs in 1981-82.

—LIMITATION ON AFDC ELIGIBILITY

Sec. 19. The Social Services Commission shall adopt rules imposing work requirements under the Community Work Experience Program demonstration project, in accordance with federal laws and regulations, as a condition for eligibility for Aid to Families with Dependent Children.

—FUNDS FOR DEINSTITUTIONALIZATION

Sec. 20. The Department of Human Resources may, with the approval of the Director of the Budget, transfer from funds within the Department's budget up to one million dollars (\$1,000,000) in surplus funds to implement a Plan of Deinstitutionalization to serve mentally ill persons discharged from Dorothea Dix Hospital and patients in the community who would otherwise be admitted to Dorothea Dix Hospital. The Department of Human Resources shall report to the General Assembly by April 1, 1983, on the implementation of this project. The Department of Human Resources shall report periodically to the Mental Health Study Commission on the implementation of this plan.

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—LIMITATION ON REST HOME BEDS

Sec. 20.1. (a) Findings of Fact.—The General Assembly of North Carolina finds:

(1) That the orderly development of homes for the aged and disabled will result in less institutionalization of the elderly and thus lower public expenditures; and

(2) That additional time is needed to plan and develop less costly home health alternatives to institutional care and adequate standards for the orderly development of homes for the aged and disabled.

(b) Notwithstanding any other provision of law, the Department of Human Resources shall not accept applications received after July 1, 1982, or before February 1, 1983, for initial licensure of:

1. a home for the aged and disabled as defined by G.S. 131D-2(a)(7), to be licensed under Chapter 131D of the General Statutes;

2. a home for the aged and disabled operated in conjunction with a nursing home to be licensed under G.S. 130-9(e)(5); or

3. additional facilities, including beds, for any of the homes mentioned in subdivisions 1 and 2 above.

Sec. 20.2. The Joint Legislative Commission on Governmental Operations shall recommend to the General Assembly, upon its convening in 1983, legislation which would establish a permitting procedure for homes for the aged and disabled and homes for the aged and disabled operated in conjunction with a nursing home licensed pursuant to G.S. 130-9(e)(5) with standards based principally on the public need.

Sec. 20.2A. Nothing in Sections 20.1 or 20.2 shall apply to a facility owned or operated by an organization that is exempt from taxation under Section 501(C)(3) of the Internal Revenue Code.

Sec. 20.2B. G.S. 131D-2(a)(5) is amended by rewriting the first sentence to read:

“‘Family Care Home’ means a domiciliary home having two to six residents.”

Sec. 20.2C. G.S. 131D-20(5) is amended by rewriting the first sentence to read:

“‘Family Care Home’ means a domiciliary home having two to six residents.”

Sec. 20.2D. G.S. 143-138 is amended by adding at the end thereof a new paragraph to read:

“For purposes of use in the Code, the term ‘Family Care Home’ shall mean a domiciliary home having two to six residents.”

—RECLASSIFICATION OF REST HOME RESIDENTS

Sec. 20.3. The Department of Human Resources, Division of Social Services, shall eliminate from the Special Assistance for Adults Program the category of eligibility referred to as “nonambulatory”. All persons so classified shall be reclassified as “semi-ambulatory”. The monthly rate allowed for the “semi-ambulatory” shall be five percent (5%) more than the monthly rate allowed for the “ambulatory”.

—COMMUNITY PROGRAMS/DEVELOPMENTALLY DISABLED

Sec. 21. Funds in the amount of seven hundred seventy-seven thousand one hundred forty-four dollars (\$777,144) are appropriated in Section 2 of this act to the Department of Human Resources, Division of Mental Health, Mental Retardation and Substance Abuse for the increased costs in the following community programs for the developmentally disabled: early childhood

intervention, respite, group homes for children and adults, developmental day subsidy, specialized community residential subsidy, specialized foster care subsidy, apartment living, and mentally retarded/behaviorally disordered group homes.

—LIMITATION ON TRANSFER OF ABORTION FUNDS

Sec. 21.1. No funds in excess of the State funds appropriated in Section 2 of this act shall be expended for the purpose of performing abortions during the 1982-83 fiscal year.

—OFFICE OF STATE PERSONNEL STUDY OF EQUAL TREATMENT FOR ALL TEACHERS

Sec. 22. Section 36 of Chapter 1127 of 1981 Session Laws is repealed.

Sec. 23. The Office of State Personnel shall perform a study of ways to equalize the salary, leave time, certification requirements and other conditions of employment and employee benefits of school personnel in the local school administrative units and in schools operated by State departments and institutions. The Office of State Personnel shall report the results of the study and any legislation it proposes to the 1983 General Assembly by March 1, 1983.

—PROCEEDS FROM SALE OF REAL PROPERTY, JOHN UMSTEAD HOSPITAL

Sec. 24. G.S. 146-30, as it is amended by Section 23.4 of Chapter 859 of the 1981 Session Laws, is amended in the last sentence by inserting after the language "to the credit of the Hospital", the language "to provide sewers and".

—FUNDS FOR MEMBERS OF THE CLASS IDENTIFIED IN WILLIE M., *et al.* vs. HUNT, *et al.*

Sec. 25. (a) Legislative findings.—The General Assembly finds:

(1) That there is a need in North Carolina to provide appropriate treatment and education programs to children under the age of 18 who suffer from emotional, mental, or neurological handicaps accompanied by violent or assaultive behavior;

(2) That children with these behaviors have been identified as a class in the case of Willie M., *et al.* vs. Hunt, *et al.*;

(3) That these children have a need for a variety of services, other than those normally provided, that may include but are not limited to residential treatment programs, educational programs, and independent living arrangements;

(4) That the plans of the Department of Human Resources and the Department of Public Instruction for children in the Willie M. class indicate that not all counties in the State have the same readiness to proceed with providing the full range of services needed by these children;

(5) That an attempt to provide immediately the full range of services needed by these children would result in ill-conceived, poorly executed programs at great public expense;

(6) That, because of multiple practical difficulties which will undoubtedly be encountered before services can be instituted statewide, it is necessary for the General Assembly to establish a schedule of priorities for allocating funds to local area mental health programs and local educational agencies.

(b) Funds for Division of Mental Health, Mental Retardation, and Substance Abuse.—Funds in the amount of seven million six hundred eighty-nine thousand eight hundred eighty-eight dollars (\$7,689,888) are appropriated in Section 2 of this act to the Department of Human Resources, Division of

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Mental Health, Mental Retardation, and Substance Abuse for the purpose of providing appropriate treatment for members of the class identified in *Willie M., et al. vs. Hunt, et al.* These funds shall be expended in the area mental health, mental retardation, and substance abuse programs that received funding in fiscal year 1981-82 in accordance with plans submitted to the Department of Human Resources.

(c) Funds for Division of Youth Services.—Funds in the amount of one hundred ninety-five thousand six hundred two dollars (\$195,602) are appropriated in Section 2 of this act to the Department of Human Resources, Division of Youth Services, to serve members of the class identified in *Willie M., et al. vs. Hunt, et al.* who are committed to the Division of Youth Services. These funds shall be expended by the Division of Youth Services for the developmental disabilities program at C. A. Dillon School.

(d) Priority for Residential Programs.—Children who are members of the Willie M. class, and are in counties that are phasing in programs during the 1981-83 biennium and therefore cannot currently provide the full range of services needed by these children, shall receive priority in appropriate programs operated by the Department of Human Resources.

(e) Limitation on expenditure of funds.—The funds appropriated in this section may not be used to serve children not in the Willie M. class if any class member within the zone described in the Department of Human Resources, Division of Mental Health, Mental Retardation and Substance Abuse plans remain unserved. No funds shall be expended for any program that does not serve members of the class. This limitation shall not apply to payments for evaluation of children nominated for membership in the Willie M. class.

(f) Funds for Department of Public Education.—Funds in the amount of seven hundred seventy-four thousand three hundred ninety-eight dollars (\$774,398) are appropriated in Section 2 of this act to the Department of Public Education to establish a supplemental reserve fund to serve only members of the class identified in *Willie M., et al. vs. Hunt, et al.* These funds shall be allocated by the State Board of Education to those local education agencies that coincide with those area mental health, mental retardation, and substance abuse programs that received funds under the Department of Human Resources, Division of Mental Health, Mental Retardation and Substance Abuse, in fiscal year 1981-82. These funds shall be allocated by the State Board of Education to the local education agencies to serve those class members who were not included in the regular average daily membership and the census of children with special needs, and to provide the additional program costs which exceed the per pupil allocation from the State Public School Fund and other State and federal funds for children with special needs.

(g) Reserve For Unfunded Zones.—Funds in the amount of ten million dollars (\$10,000,000) are appropriated in Section 2 of this act to the Office of State Budget and Management to establish a reserve fund to provide service statewide for members of the class identified in *Willie M., et al. vs. Hunt, et al.* in the Division of Youth Services, area mental health, mental retardation and substance abuse programs and local education agencies. The Director of the Budget may expend funds from this reserve upon a determination that these agencies are ready to provide evaluation, treatment and educational services to members of the class. Funds from this reserve must be spent in accordance with the provisions of this section.

(h) Use of Unexpended Funds.—The Director of the Budget may use any unexpended funds allocated in this section to fund additional evaluation, treatment and education programs for additional class members.

(i) Reporting Requirements.—The Department of Human Resources and the Department of Public Education shall submit a joint report to the General Assembly on the progress achieved in serving members of the Willie M. class. The report shall include the following unduplicated data for each county: (i) the number of children nominated for the Willie M. class; (ii) the number of children actually identified as members of the class in each county; (iii) the number of children served as members of the class in each county; (iv) the number of children that remains unserved; (v) the types and locations of treatment and education services provided to class members; (vi) the cost of services, by type, to members of the class; (vii) information on the impact of treatment and education services on members of the class; and (viii) the readiness of other areas of the State to proceed with providing services. Departments shall report by October 1, 1982, to the General Assembly and to the Governor, and by February 1, 1983, to the 1983 Session of the General Assembly.

(j) The Department of Human Resources and Public Education shall provide periodic reports of expenditures on behalf of the Willie M. class to the Joint Legislative Commission on Governmental Operations. The Office of State Budget and Management shall report monthly to the Joint Legislative Commission on Governmental Operations on the expenditure of funds under the reserve for unfunded zones created in subsection (g).

(k) The prohibitions on the use of State funds prescribed by G.S. 122-35.53(c) do not apply to any funds appropriated for the treatment of members of the class identified in Willie M. *et al.* vs. Hunt, *et al.* These funds may be used for, among other things, the alteration, improvement, or rehabilitation of real estate used by area mental health authorities.

Sec. 26. Section 23 of Chapter 1127 of the 1981 Session Laws, except for subsection (j), is repealed.

—FUNDING FOR COMMISSION ON CHILDREN WITH SPECIAL NEEDS WITHIN BUDGET OF GENERAL ASSEMBLY

Sec. 28. G.S. 120-61 is amended by adding a new sentence on the end to read:

“The Commission shall be funded by the Legislative Services Commission from appropriations made to the General Assembly for that purpose.”

PART VIII.—EDUCATION

—DELETE REPORTING REQUIREMENT ON FUNDS FOR EXCEPTIONAL CHILDREN

Sec. 29. G.S. 115C-143 is repealed.

—UPDATE OBSOLETE REFERENCE TO DEPARTMENT OF CORRECTION SCHOOLS

Sec. 30. G.S. 115C-325(p) is amended by deleting from the list “Cameron Morrison,” “Samuel Leonard,” and “Richard T. Fountain.”

—TRANSPORTATION OF EXCEPTIONAL CHILDREN

Sec. 31. G.S. 115C-250(a) is amended to read:

“(a) The State Board of Education and local boards of education may expend public funds for transportation of children with special needs who have been placed in programs by a local school board as a part of its duty to provide such

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children with a free appropriate education, including its duty under G.S. 115C-115.

The Department of Human Resources and the Department of Correction may also expend public funds for transportation of children with special needs who have been placed in programs by one of these agencies as a part of that agency's duty to provide such children with a free appropriate public education.

If a local area mental health center places a child with special needs in an educational program, the local area mental health center shall pay for the transportation of the child to the program."

—AVAILABILITY OF RECORDS FOR SPECIAL EDUCATION COST STUDY

Sec. 32. The General Assembly declared in G.S. 115C-106 that it is the policy of the State to ensure every child a fair and full opportunity to reach his full potential and to provide a free appropriate publicly supported education to every child with special needs. Economic constraints of today make it imperative that the General Assembly study the costs of implementing this policy so that the State can continue to serve the needs of these children in a cost-effective manner. Therefore, the General Assembly has contracted with the Frank Porter Graham Child Development Center (hereinafter referred to as "the Center") to perform such a study.

Notwithstanding the provisions of G.S. 115C-114 or any other provision of State law, the Center shall have the same right to access to all State and local records pertaining to the study that the General Assembly has, consistent with federal law and the conditions of federal grants. All State agencies and local school administrative units shall facilitate the Center's access to these records and shall provide the use of their copying equipment at actual cost.

The Center shall conduct the study and present the results in a manner that will, to the extent practicable, not permit the personal identification of students or their parents even by the representatives of the Center. In no case shall the study be performed so as to permit the personal identification of students or their parents by persons not representing the Center, except as otherwise permitted by State or federal law or the conditions of federal grants.

—TEACHER EVALUATION

Sec. 32.1. G.S. 115C-326 is amended to read:

"§ 115C-326. *Performance standards and criteria for professional employees; law suits arising out of this section.*—(a) The State Board of Education, in consultation with local boards of education, shall develop uniform performance standards and criteria to be used in evaluating professional public school employees. It shall develop rules and regulations to recommend the use of these standards and criteria in the employee evaluation process. The performance standards and criteria shall be adopted by the Board by July 1, 1982, and may be modified in the discretion of the Board.

Local boards of education shall adopt rules and regulations by July 1, 1982, to provide for annual evaluation of all professional employees defined as teachers by G.S. 115C-325(a)(6). Local boards may also adopt rules and regulations requiring annual evaluation of other school employees not specifically covered in this section. Rules and regulations adopted by local boards shall utilize performance standards and criteria adopted by the State Board of Education pursuant to the first paragraph of this section; however, the standards and

criteria used by local boards are not to be limited by those adopted by the State Board of Education.

(b) If any claim is made or any legal action is instituted against an employee of a local school administrative unit on account of an act done or an omission made in the course of the employee's duties in evaluating employees pursuant to this section, the local board of education, if the employee is held not liable, shall reimburse the employee for reasonable attorney's fees."

—SALARY SCHEDULE/SCHOOL TRANSPORTATION SUPERVISORS

Sec. 33. Within funds appropriated for mechanics' salaries in school bus transportation in Section 2 of this act, the State Board of Education shall adopt and implement a salary schedule for school transportation supervisors comparable to the salary schedule for school maintenance supervisors.

—DEVELOPMENTAL DAY CENTER RATES

Sec. 34. The State Board of Education shall establish a maximum monthly reimbursement rate for pupils served in Developmental Day Centers and Community Residential Centers. The rate shall be within funds available from State appropriations for this purpose. Rate increases shall be subject to the prior approval of the General Assembly or, if the General Assembly is not in session, of the Governor with the advice of the Advisory Budget Commission.

—STAFF DEVELOPMENT REDUCTION FOR PUBLIC SCHOOLS

Sec. 35. The base budget reduction in the funds appropriated to the Department of Public Education for staff development in Section 2 of this act shall be applied as follows: \$375,000 from code 13510 and \$1,724,792 from code 13520; there shall be no reductions in the Sports Medicine Program in 1982-83.

—MODIFY FUNDING LEVEL FOR ADULT BASIC EDUCATION PROGRAMS

Sec. 36. The State Board of Community Colleges, within appropriations available, may change the funding level of adult basic education programs, which provide opportunities for individuals to learn to read, write or pursue a GED certificate or an Adult High School Diploma, from extension funding to curriculum funding. All such increased funding shall be used for the purpose of ABE so as to allow more emphasis to be placed on reducing illiteracy in North Carolina.

—HEARING IMPAIRED FUNDS TO COMMUNITY COLLEGES

Sec. 37. Of the funds appropriated to the Department of Community Colleges in Section 2 of this act the sum of sixty-four thousand dollars (\$64,000) shall go to Central Piedmont Community College and sixty-four thousand dollars (\$64,000) shall go to Western Piedmont Community College for the continuation of programs assisting the hearing impaired students to continue their education.

—LONGEVITY PAYMENTS/UNIVERSITY PERSONNEL

Sec. 38. Funds appropriated to The University Board of Governors in Section 2 of this act in the amount of four hundred twelve thousand dollars (\$412,000) for salary increases for employees of The University of North Carolina who are exempt from the State Personnel Act are in lieu of specific appropriations for longevity payments as are provided for State employees subject to the State Personnel Act and public school employees. These funds shall be allocated to individuals in accordance with rules and regulations established by the Board of Governors.

PART IX.—CULTURAL RESOURCES

—FUNDS FOR AMERICA'S 400th ANNIVERSARY

Sec. 39. Of the funds appropriated in Section 4 of this act to the Department of Cultural Resources, the sum of one million four hundred twenty-one thousand eight hundred dollars (\$1,421,800) shall be used exclusively for construction of a visitor center on Roanoke Island, a docking facility, a parking lot, landscaping, dredging, exhibits, raised pedestrian walks, purchase of land and lighting.

These funds shall be placed in a special reserve account and shall be made available to the Department of Cultural Resources for the above purposes to the extent the American Quadricentennial Corporation has raised, by cash and pledges, a required match of one million dollars (\$1,000,000). The matching funds shall be used to finance the programs sponsored by America's Four Hundredth Anniversary Committee. Any unmatched State funds shall revert to the General Fund.

—ALLOCATION TO ROANOKE ISLAND HISTORICAL ASSOCIATION, INCORPORATED

Sec. 40. Of the funds appropriated in Section 2 of this act to the Department of Cultural Resources for America's 400th Anniversary, an amount not to exceed sixty thousand dollars (\$60,000) may be used, with approval of the Director of the Budget, as a grant-in-aid to the Roanoke Island Historical Association, Incorporated, for activities associated with the anniversary.

—SYMPHONY SPECIAL RESERVE ACCOUNT

Sec. 41. Of the funds appropriated in Section 2 of this act to the Department of Cultural Resources, the sum of five hundred seventy thousand nine hundred eight dollars (\$570,908) shall be placed in a special reserve account on deposit with the State Treasurer for the symphony. These funds shall be transferred to the North Carolina Symphony Society, Inc., as they are matched with cash or pledges on a basis of three Society cash or pledge dollars to one State dollar. Funds remaining in this account on June 30, 1983, shall revert to the General Fund.

PART X.—INSURANCE

—TRAVEL MONEY FOR FIRE AND RESCUE DIVISION

Sec. 42. Of the funds appropriated in Section 2 of this act to the Department of Insurance, at least one hundred thousand dollars (\$100,000) shall be placed in the travel budget of the Fire and Rescue Training Division and may be used only for travel expenses for that division.

—CONTINGENCY AND EMERGENCY RESERVE FOR DEPARTMENT OF INSURANCE

Sec. 43. Of the funds appropriated to the Contingency and Emergency Fund in Section 2 of this act, the sum of one hundred thirty thousand dollars (\$130,000) is allocated to create a special reserve within the Contingency and Emergency Fund which the Council of State may use only for expenses related to the employment of persons pursuant to G.S. 58-7.3.

—LIGHTNING ROD AGENT PRIVILEGE TAX REPEALED

Sec. 44. G.S. 105-59 is repealed.

PART XI.—GENERAL ASSEMBLY

—PERSONNEL SERVICE CREDIT FOR FORMER LEGISLATIVE EMPLOYEES

Sec. 46. The State Personnel Commission and the Office of State Personnel, Department of Administration, shall grant aggregate State service

credit to former employees of the General Assembly for the amount of service to the General Assembly that those employees are authorized, for the purposes of retirement under Chapter 135 of the North Carolina General Statutes. This section shall not apply to legislators, participants in the Legislative Intern Program or pages.

—PRINTING OF RESOLUTIONS AND JOURNALS OF 1982 EXTRA SESSIONS

Sec. 47. (a) The Session Laws and Resolutions of the First and Second Extra Sessions of 1982 shall be printed and published in the volume of the 1981 Regular Session Laws in which the laws of the 1981 Session, Regular Session of 1982, are printed and published.

(b) The Journals of the House and Senate of the First and Second Extra Sessions of 1982 shall be printed and published in the same volumes as the Journals of the 1981 Session, Regular Session of 1982.

PART XII.—NATURAL RESOURCES AND COMMUNITY DEVELOPEMENT —EXTENSION OF MARINE FISHERIES STUDY COMMISSION

Sec. 48. Chapter 930 of the 1981 Session Laws is amended in Section 6 by deleting the date "April 1, 1982" and inserting in lieu thereof "January 10, 1983"; and in Section 7 by deleting "1981-82" and inserting in lieu thereof "1981-83".

—RESERVE FOR STATE ECONOMIC OPPORTUNITY DIVISION

Sec. 49. Of the funds appropriated in Section 2 of this act to the Department of Natural Resources and Community Development, the sum of one hundred forty-three thousand seven hundred seventeen dollars (\$143,717) shall be in a reserve to be used by the Division of State Economic Opportunity.

—TRANSFER OF FUNDS TO THE WILDLIFE RESOURCES COMMISSION

Sec. 50. (a) Of the funds appropriated in Section 2 of this act to the Department of Natural Resources and Community Development in the 1982-83 fiscal year, the sum of one million dollars (\$1,000,000) shall be transferred to the Wildlife Resources Commission on condition that:

(1) No new positions shall be established with this appropriation or with funds freed from other uses by this appropriation.

(2) None of this appropriation shall be used for subsidizing the cost of the *Wildlife* magazine or any newsletter or publication published by the Wildlife Resources Commission.

(3) None of this appropriation shall be used for fox population studies including monitoring the status and trends of foxes in North Carolina.

If the 1981 General Assembly enacts a statewide fox hunting law, the limitations in this section shall not apply to the extent that funds are needed to implement that law.

PART XIII.—JUSTICE

—CONSENT JUDGMENTS

Sec. 51. Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-2.1. *Consent judgments.*—In litigation in which the State is interested or is a party, no consent judgement shall be entered into by the State unless and no consent judgement shall be binding on the State except to the extent that the State's entire obligation for the current and for future fiscal years can be

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satisfied with funds that are available for the current fiscal year, including funds that the Council of State agrees to allot from the Contingency and Emergency Fund. The Director of the Budget shall report to the Appropriation Committees of the General Assembly concerning all funds made available during the preceding fiscal year from the Contingency and Emergency fund for the purpose of carrying out consent judgments."

—PERMIT SBI TO DISPOSE OF SURPLUS WEAPONS

Sec. 52. G.S. 143-63.1(d) is rewritten to read as follows:

"(d) Notwithstanding the provisions of this section, but subject to the provisions of G.S. 20-187.2, the North Carolina State Highway Patrol, the North Carolina Department of Correction, and the North Carolina State Bureau of Investigation may sell, trade, or otherwise dispose of any or all surplus weapons they possess to any federally licensed firearm dealers. The sale, trade, or disposal of these weapons shall be in a manner prescribed by the Department of Administration. Any moneys or property obtained from the sale, trade, or disposal shall go to the General Fund."

PART XIV.—GOVERNOR

—RESERVE FOR ELECTRONIC DATA PROCESSING

Sec. 53. The funds appropriated in Section 2 of this act, Reserve for Electronic Data Processing, shall be distributed by the Office of State Budget and Management to the Department of Natural Resources and Community Development, the Department of Revenue, and the Office of State Budget and Management for operation and improvement of data processing and management systems. The Office of State Budget and Management shall report to the General Assembly by May 1, 1983, on the use of these funds, and on any recommendations for further improvements in automated data processing.

—DATE OF CLEAN WATER BOND REFERENDUM

Sec. 54. Section 4(b) of Chapter 993 of the 1981 Session Laws is amended by rewriting lines 7 and 8 to read: "election herein provided for shall be held on the same day, designated by him, as the statewide primary, the general election or the date in 1983 that elections are conducted in those municipalities which have the nonpartisan simple plurality method of election as prescribed in G.S. 163-279(a)(1)."

PART XV.—ADMINISTRATION

—REPAIRS, RENOVATIONS, RETROFIT, ASBESTOS CONTROL AND ARCHITECTURAL BARRIER REMOVAL PROJECTS - STATEWIDE FUND

Sec. 55. The unencumbered balances remaining in the Department of Administration capital improvement Code 48101 Funds 4102, 4103 and 4104 are combined into a new fund to be used for Repair, Renovation, Asbestos Control and Architectural Barrier Removal Projects - Statewide.

—PROJECT RESERVE FUNDS MODIFICATION

Sec. 56. Funds in the General Fund Project Reserve and the Federal Revenue Sharing Project Reserve may be used for emergency renovation and repair projects on State facilities as approved by the Director of the Budget. These funds may not be used in connection with any projects under the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

—METHODIST HOME FUNDS TO REVERT

Sec. 57. The two hundred fifty thousand dollars (\$250,000) appropriated in Chapter 1021 of the 1981 Session Laws as a Reserve to hold the Methodist Home property shall revert to the General Fund on June 30, 1982.

—USE OF MOUNTAIN EXPERIENCE CENTER FUNDS

Sec. 58. Of the funds appropriated in Chapter 1003 of the 1979 Session Laws for a Mountain Experience Center, fifty-one thousand dollars (\$51,000) shall be appropriated from the General Fund to the Department of Human Resources for the 1982-83 fiscal year for a grant-in-aid to the Swannanoa Valley Medical Center, forty thousand dollars (\$40,000) shall be appropriated from the General Fund to the Department of Human Resources for the 1982-83 fiscal year as a grant-in-aid to the Hot Springs Health Facility for capital construction, and thirty thousand seven hundred twenty-two dollars (\$30,722) shall be appropriated from the General Fund to the Department of Administration for the 1982-83 fiscal year as a grant-in-aid for Western North Carolina Tomorrow.

—LICENSE TAGS ON STATE-OWNED CARS

Sec. 59. G.S. 14-250 is amended by rewriting the second sentence to read:

“Provided, however, that no automobile used by any county officer or county official for the purpose of transporting, apprehending or arresting persons charged with violations of the laws of the State of North Carolina, shall be required to be lettered.”

Sec. 60. G.S. 14-250 is further amended by deleting the fourth and fifth sentences and by adding on the end of the section the following:

“Provided, further, that in lieu of the above method of marking vehicles owned by the State and permanently assigned to members of the Council of State, it shall be deemed a compliance with the law if such vehicles have imprinted on the license tags thereof the license number assigned to the appropriate member of the Council of State pursuant to G.S. 20-81(4); a member of the Council of State shall not be assessed any registration fee if he elects to have a State-owned motor vehicle assigned to him designated by his official plate number.

The General Assembly may authorize exemptions from the provisions of this section for each fiscal year. Each agency shall submit requests for private tags to the Division of Motor Fleet Management of the Department of Administration. The Division shall report the requests to the Appropriations Committees of the General Assembly by June 1. If urgent need for an exemption arises when the General Assembly is not in session, the Division shall review the request and report it to the Council of State. The Council of State may authorize the exemption if it finds it is expedient and necessary in undercover work by those charged with enforcing the criminal laws of the State. Every 90 days, the Council of State shall report all requests and actions taken on them to the Joint Legislative Commission on Governmental Operations. Exemptions authorized by the Council of State shall expire at the end of the fiscal year in which they are granted or when the General Assembly acts on exemptions for the next fiscal year, whichever is sooner.”

Sec. 61. Pursuant to the provisions of G.S. 14-250, for the 1982-83 fiscal year, the General Assembly authorizes the following use of private license tags on State-owned motor vehicles:

<u>Department</u>		<u>Assignments</u>	<u>Total Number</u>
Administration:	1	Capitol Police	
	6	Human Relations Council	7
Motor Vehicles:	97	License & Theft Employees	
	11	License & Theft Motor Pool	108
Commerce:	15	Industrial Development Reps.	
	4	International Development Reps.	
	1	Economic Development Director	
	1	State Ports Director	
	1	Deputy Secretary	
	1	Bd. of Alcoholic Control	
	20	Utilities Comm. -	
		Transportation Enforcement	43
N.C.S.U.:	2	Security	2
E.C.U.:	2	Security	2
NRCD:	3	Forest Law Enforce. Off.	3
Correction:	498	Probation/Parole	498
Justice:	277	SBI Agents	
	3	Medicaid Investigators	280
Crime Control:	127	ALE Officers	
	2	Highway Patrol (Governor's Mansion)	
	1	Butner Public Safety	130
		Total	1,073

—PERMANENT ASSIGNMENT OF STATE-OWNED CARS AND STATE COMMUTING POLICY

Sec. 62. G.S. 143-341(8)(i)7a. is rewritten to read:

“7a. To adopt with the approval of the Governor and the advice of the Advisory Budget Commission and to enforce rules, pursuant to Chapter 150A of the General Statutes, and to coordinate State policy regarding (i) the permanent assignment of State-owned passenger motor vehicles and (ii) the use of and reimbursement for those vehicles for commuting. For the purpose of this subdivision 7a, ‘State-owned passenger motor vehicle’ includes any State-owned passenger motor vehicle, whether or not owned, maintained or controlled by the Department of Administration, and regardless of the source of the funds used to purchase it. Notwithstanding the provisions of G.S. 20-190 or any other provisions of law, all State-owned passenger motor vehicles are subject to the provisions of this subdivision 7a.; no permanent assignment shall be made and no one shall be exempt from payment of reimbursement for commuting or from the other provisions of this subdivision 7a. except as provided by this subdivision 7a.

A State-owned passenger motor vehicle shall not be permanently assigned to an individual who is likely to drive it on official business at a rate of less than 12,600 miles per year unless the individual’s duties are (i) routinely related to public safety or (ii) are likely to expose him routinely to life threatening situations. The Department of Administration shall verify, on a quarterly basis, that each motor vehicle has been driven at the minimum allowable rate. If it has not and if the department by whom the individual is employed cannot justify the lower mileage for the quarter in view of the minimum annual rate, the permanent assignment shall be revoked immediately.

Every individual who is permanently assigned a State-owned passenger motor vehicle, pick-up truck or van, and who uses that vehicle to drive between his official work station and his home, shall reimburse the State for those trips at the current motor pool rate established by the Department of Administration. If the round trip is 13 miles or less, reimbursement shall be for 13 miles times 20 work days per month; if the round trip is more than 13 miles, reimbursement shall be for the actual round trip mileage times 20 work days per month. Reimbursement shall be made by payroll deduction. Funds derived from reimbursements on vehicles owned by the Motor Fleet Management Division shall be deposited to the credit of the Division; funds derived from reimbursements on vehicles initially purchased with appropriations from the Highway Fund and not owned by the Division shall be deposited in a Special Depository Account in the Department of Transportation which shall revert to the Highway Fund; funds derived from reimbursement on all other vehicles shall be deposited in a Special Depository Account in the Department of Administration which shall revert to the General Fund. This paragraph shall not apply to law enforcement officers in the following agencies whose primary duties are not administrative: (i) State Bureau of Investigation, (ii) Alcohol law enforcement agents of the Department of Crime Control and Public Safety, and (iii) the Butner Public Safety Department, probation and parole officers or to members of the Council of State. This paragraph also shall not apply to members of the Highway Patrol in Troops A through H or to other members of the Highway Patrol whose primary duties are not administrative as determined by the Highway Patrol Commander. This paragraph also shall not apply to up to 350 employees of the Division of Highways of the department of Transportation who are subject to 24-hour emergency call in the performance of their official duties or to up to 400 employees of the Division of Highways, during the construction season, who are required to work abnormal hours and on weekends on highway construction contract work, in the discretion of the Secretary of the Department of Transportation. The Department of Administration, Motor Fleet Management Division shall report to the Joint Legislative Commission of Governmental Operations every 60 days on exemptions from the commuting fees granted under the provisions of this paragraph.

The Department of Administration shall revoke the assignment or require the Department owning the vehicle to revoke the assignment of a State-owned passenger motor vehicle, pick-up truck or van to any individual who:

- (a) Uses the vehicle for other than official business except in accordance with the commuting rules;
- (b) Fails to supply required reports to the Department of Administration, or supplies incomplete reports, or supplies reports in a form unacceptable to the Department of Administration and does not cure the deficiency within 30 days of receiving a request to do so;
- (c) Knowingly and willfully supplies false information to the Department of Administration on applications for permanent assignments, commuting reimbursement forms, or other required reports or forms;
- (d) Does not personally sign all reports or forms submitted for vehicles permanently assigned to him and does not cure the deficiency within 30 days of receiving a request to do so;

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(e) Abuses the vehicle; or

(f) Violates other rule or policy promulgated by the Department of Administration not in conflict with this act.

A new requisition shall not be honored until the Secretary of the Department of Administration is assured that the violation for which a vehicle was previously revoked will not recur.

The Department of Administration, with the approval of the Governor and the advice of the Advisory Budget Commission, may delegate, or conditionally delegate, to the respective heads of agencies which own passenger motor vehicles or to which passenger motor vehicles are permanently assigned by the department, the duty of enforcing all or part of the rules adopted by the Department of Administration pursuant to this subdivision 7a. The Department of Administration, with the approval of the Governor and the advice of the Advisory Budget Commission, may revoke this delegation of authority."

—COMPENSATION FOR GOVERNORS' SPOUSES

Sec. 63. G.S. 147-32 is amended to read:

"§ 147-32. *Compensation for surviving spouses of Governors.*—All surviving spouses of Governors of the State of North Carolina, who make written request to the Director of the Budget, shall be paid the sum of six thousand dollars (\$6,000) a year in equal monthly installments, out of the State Treasury upon warrants duly drawn thereon. This compensation shall terminate upon the subsequent remarriage of the surviving spouse."

PART XVI.—TRANSPORTATION

—RESURFACED ROADS MAY BE WIDENED

Sec. 64. Of the contract maintenance resurfacing program funds appropriated in Section 3 of this act to the Department of Transportation, an amount not to exceed ten percent (10%) of the Board of Transportation's allocation of these funds may be used for widening existing narrow pavements which are scheduled for resurfacing.

PART XVII.—GENERAL GOVERNMENT

—STATE TREASURER TO REPORT ON INVESTMENTS

Sec. 65. A new subsection is added to G.S. 147-68 to read:

"(d1) The Treasurer shall report to the Joint Legislative Commission on Governmental Operations, to the Chairman, Appropriations Base Budget Committee and the Chairman, Appropriations Expansion Budget Committee of the House of Representatives, and to the Chairman, Committee on Appropriations and the Chairman, Committee on Base Budget of the Senate, on a quarterly basis, concerning all investments and deposits made by and through his office. The report shall include a listing of all investments with or on behalf of the State or any of its agencies or institutions and shall include the particular agency or institution, fund, rate of return, duration of the investment, and the amount of deposit on all noninterest bearing accounts. The first report is due 90 days after the effective date of this section and shall include all investments and deposits made during the 1981-82 fiscal year and all investments made during the first quarter of the 1982-83 fiscal year; thereafter, reports shall be made on a quarterly basis including all investments and deposits made during that reporting period."

—OVERREALIZED AGENCY RECEIPTS

Sec. 66. G.S. 143-27 is amended to read:

“§ 143-27. *Appropriations to educational, charitable and correctional institutions are in addition to receipts by them.*—All appropriations now or hereafter made to the educational institutions, and to the charitable and correctional institutions, and to such other departments and agencies of the State as receive moneys available for expenditure by them are declared to be in addition to such receipts of said institutions, departments or agencies, and are to be available as and to the extent that such receipts are insufficient to meet the costs anticipated in the budget authorized by the General Assembly, of maintenance of such institutions, departments, and agencies; provided, however, that actual receipts, except federal receipts, in excess of the amounts budgeted may be expended only when justified by extenuating circumstances and authorized by the Director of the Budget.

The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations the amount of receipts budgeted in General Fund codes compared to the amount actually collected in a fiscal year. This report shall apply to the previous fiscal year and shall be submitted by February 15 of each year.”

—BUDGETING OF PILOT PROGRAMS

Sec. 67. Section 13.2 of Chapter 859 of the 1981 Session Laws is repealed.

Sec. 68. Any program which receives funds for the first time in a special appropriations act shall be considered a one-time appropriation and shall not be included in the base budget for the succeeding fiscal biennium. If a program which is included in the base budget receives additional funds in a special appropriations act, the amount of the additional appropriation may not become part of the base budget unless the act so indicates.

Any new program included in the budget submitted to the General Assembly by the Governor shall not become part of the base budget during the first fiscal biennium in which an appropriation to it is made. When a program that has not previously been included in the base budget is submitted to the General Assembly by the Governor for continued funding, it shall bear a designation that it is a pilot program.

—PROPERTY TAX ASSISTANCE

Sec. 69. The second unnumbered paragraph of G.S. 105-213(a) is rewritten to read as follows:

“In determining the amount to be distributed there shall be deducted from net collections (total collections less refunds) the following:

- (1) The tax credit specified in the second paragraph of G.S. 105-122(d), and
- (2) The cost to the State to administer and collect the taxes levied under this Article for the preceding fiscal year, and
- (3) The cost to the State for the operation of the Ad Valorem Tax Division of the Department of Revenue and of the Property Tax Commission for the preceding fiscal year, and
- (4) The cost to the State of the operation of a training program in property tax appraisal and assessment administration by the Institute of Government for the preceding fiscal year.”

Sec. 70. For the purpose of determining net collections for the fiscal year ending June 30, 1982, the following amounts shall be deducted in addition

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to the amounts specified by the second paragraph of G.S. 105-213(a), as amended by Section 69 of this act for the purposes indicated:

- (1) One hundred thirty-three thousand four hundred fifty dollars (\$133,450) to fund additional appropriations to the Ad Valorem Tax Division of the Department of Revenue and the Property Tax Commission for fiscal 1982-83;
- (2) Seventy-five thousand dollars (\$75,000) to fund a training program in property tax assessment administration to be begun by the Institute of Government in fiscal 1982-83.

If the full amount of the funds deducted under this section is not expended during the 1982-83 fiscal year, the unexpended amount shall be distributed to counties and cities during the 1983-84 fiscal year along with the distribution required under G.S. 105-213(a). The basis of the distribution of the unexpended balances shall be the same as that for revenue collected under G.S. 105-199 and G.S. 105-205.

—HOMESTEAD EXEMPTION REIMBURSEMENT

Sec. 70.1. Section 3 of Chapter 1052 of the 1981 Session Laws is amended by adding the following sentence at the end:

“In order to pay for the reimbursement under this section and the cost to the Department of Revenue for administering the reimbursement, the Secretary of Revenue may withhold from net collections received by the Department under Article 2A and Article 2C of Chapter 105 of the General Statutes an amount equal to the reimbursement and the cost of administration.”

—REVERSION OF AIRCRAFT FUNDS

Sec. 71. Of the funds in capital improvement accounts in the Department of Commerce which were received from the sale of the Gulfstream Airplane, five hundred thousand dollars (\$500,000) shall revert to the General Fund.

PART XVIII.—JUDICIAL BRANCH

—RESTRICTIVE RESERVE FUNDS

Sec. 71.1. The expansion budget reduction in the funds appropriated to the Judicial Department shall be applied so as to reduce the amount in the Restrictive Reserve to one million three hundred thousand dollars (\$1,300,000). Four hundred thousand dollars (\$400,000) of the Reserve shall be used for new personnel, as approved by the Administrative Officer of the Courts; nine hundred thousand dollars (\$900,000) shall be used for office equipment.

Sec. 71.2. G.S. 7A-41 is amended in the Table so that the total number of full-time assistant district attorneys for the indicated judicial districts read:

Judicial District	No. of Full-Time Asst. District Attorneys
17A	3
29	5.”

—PUBLIC DEFENDER FOR 15B

Sec. 72. G.S. 7A-465 is amended by inserting a new paragraph between the fourth and fifth to read:

“Effective June 1, 1983, the office of public defender is established in judicial district 15B.”

Sec. 73. G.S. 7A-466 is amended in the first sentence by inserting between the word “twelfth” and the word “eighteenth” the word “fifteenth-B”.

Sec. 74. An investigator, authorized by G.S. 7A-468, is allocated to the public defender's office established in judicial district 15B.

Sec. 75. A secretary is authorized and allocated to the public defender's office established in judicial district 15B.

Sec. 76. Funds for the positions authorized and allocated by Sections 72 through 75 of this act shall be allocated from the funds appropriated to the Judicial Department for indigent counsel by Chapter 859, 1981 Session Laws.

PART XIX.—SPECIAL PROVISIONS/APPROPRIATIONS ACT

—EXECUTIVE BUDGET ACT REFERENCE

Sec. 77. The provisions of the Executive Budget Act, Chapter 143, Article 1, of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

—EFFECT OF MOST LIMITATIONS AND DIRECTIONS IN TEXT/ ONLY - 1982-83

Sec. 78. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1982-83 fiscal year, the textual provisions of this act shall apply only to funds appropriated for, and activities occurring during, the 1982-83 fiscal year.

—RETAIN APPROPRIATIONS LIMITATIONS AND DIRECTIONS

Sec. 79. Except where expressly repealed by this act, the provisions of Chapters 859, 860, and 1127 of the 1981 Session Laws remain in effect.

Sec. 80. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed, the limitations and directions for the 1981-83 fiscal biennium or for the 1982-83 fiscal year in Chapters 859, 860, and 1127 of the 1981 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations of this act for those same particular purposes.

—SEVERABILITY CLAUSE

Sec. 81. If any section or provision of this act is declared unconstitutional or invalid by the courts, it shall not affect the validity of the act as a whole or any part other than the part so declared to be unconstitutional or invalid.

—GENERAL REPEALER

Sec. 82. All laws and clauses of laws in conflict with this act are repealed.

—EFFECTIVE DATE

Sec. 83. Sections 31 and 52 of this act are effective upon ratification. Section 44 of this act shall become effective April 1, 1983. Sections 48, 57 and 71 of this act shall become effective June 30, 1982. Sections 72 through 76 of this act shall become effective June 1, 1983. Section 20.3 of this act shall become effective January 1, 1983. The remaining sections of this act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1503

CHAPTER 1283

AN ACT TO MAKE A TECHNICAL CORRECTION IN CHAPTER 557 OF THE 1981 SESSION LAWS RELATING TO THE LIMIT ON UNUSED SICK LEAVE AS CREDITABLE SERVICE IN THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-26(e) is amended by rewriting the phrase "not to exceed one month of credit for each two years of membership service" to read:

"not to exceed one month of credit for each two years of prior and membership service".

Sec. 2. This act is effective upon ratification and applies to limit sick leave as creditable service on or after September 1, 1981.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1340

CHAPTER 1284

AN ACT TO INCREASE THE RETIREMENT FORMULA IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27(b6) is amended by rewriting the words prior to the first semicolon to read:

"(b6) Service Retirement Allowance of Members Retiring on or after July 1, 1978, but prior to July 1, 1983. Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1978, but prior to July 1, 1983, a member shall receive a service retirement allowance computed as follows:"

Sec. 2. G.S. 128-27 is amended by adding a new subsection (b7) to read:

"(b7) Service Retirement Allowances of Members Retiring on or after July 1, 1983. Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1983, a member shall receive a service retirement allowance computed as follows:

- (1) If the member's service retirement date occurs on or after his 65th birthday, regardless of his years of creditable service, or after the completion of 30 years of creditable service, such allowance shall be equal to one and fifty-seven one-hundredths percent (1.57%) of his average final compensation, multiplied by the number of years of his creditable service.
- (2a) If the member's service retirement date occurs after his 60th and before his 65th birthday and prior to his completion of 30 or more years of creditable service, his retirement allowance shall be computed as in (1) above, but shall be reduced by one quarter of one percent ($1/4$ of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday.
- (2b) If the member's service retirement date occurs before his 60th birthday and prior to his completion of 30 or more years of creditable service, his retirement allowance shall be the actuarial equivalent of the allowance payable at the age of 60 years as computed in (2a) above.
- (3) Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1965, and uniformed

policemen or firemen not covered under the Social Security Act employed thereafter, shall receive not less than the benefits provided by G.S. 128-27(b)."

Sec. 3. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1609

CHAPTER 1285

AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO CONSTRUCT A WAREHOUSE AND TO PROVIDE FOR FUNDING OF THAT PROJECT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101 is amended by renumbering subdivisions (6) through (15) as (7) through (16), respectively, and adding a new subdivision (6) to read:

"(6) 'Bailment surcharge' means the charge imposed on each case of liquor shipped from a Commission warehouse as provided in G.S. 18B-208. This bailment surcharge is in addition to the bailment charge imposed by G.S. 18B-804(b)(2)."

Sec. 2. G.S. 18B-203(a) is amended by changing the period at the end of subdivision (13) to a semicolon and adding three new subdivisions to read:

"(14) Fix the amount of bailment charges and bailment surcharges to be assessed on liquor shipped from a Commission warehouse;

(15) Collect bailment charges and bailment surcharges from local boards;

(16) Notwithstanding any law to the contrary, enter into contracts for design and construction of a warehouse or warehouses and supervise work and materials used in the construction, as provided in G.S. 18B-204."

Sec. 3. G.S. 18B-204(a) is amended as follows:

(A) By deleting the phrase "warehouse, or" from subdivision (1) and substituting the phrase "warehouse;"

(B) By changing the last period in subdivision (2) to a semicolon and inserting immediately after the semicolon the word "or".

(C) By adding a new subdivision to read:

"(3) By the construction of a warehouse."

Sec. 4. Chapter 18B is amended by adding a new section to read:

"§ 18B-208. *ABC Commission Bonds and Funds.*—(a) Issuance of bonds. As a means of raising the funds needed from time to time in the design, acquisition, construction, equipping, maintenance and operation of a warehouse under G.S. 18B-204(a)(3), the Commission may, with the approval of the Governor after receiving the advice of the Advisory Budget Commission, at one time or from time to time issue negotiable revenue bonds of the Commission. The issuance of revenue bonds shall not directly or indirectly or contingently obligate the State to levy or to pledge any form of taxation or to make any appropriation for their payment. Revenue bonds issued pursuant to this subsection shall be repaid from the bailment surcharge as provided in subsection (b). These bonds and the income from them are exempt from all taxation within the State.

(b) Special Fund. A special fund in the Office of the State Treasurer, the ABC Commission Fund, is created. On and after November 1, 1982, all monies derived from the collection of bailment charges and bailment surcharges shall

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be deposited in the ABC Commission Fund for the use of the Commission. The ABC Commission Fund shall be subject to the provisions of the Executive Budget Act except that no unexpended surplus of this fund shall revert to the General Fund. The Commission shall fix the level of the bailment surcharges at an amount calculated to cover operating expenses of the Commission and the retirement of bonds issued for construction of a Commission warehouse and offices. The Commission may impose a bailment surcharge only when revenue bonds issued under this section are outstanding.

All monies credited to the ABC Commission Fund shall be used to carry out the intent and purposes of the ABC law in accordance with plans approved by the North Carolina ABC Commission, and all these funds are appropriated, reserved, set aside, and made available until expended for the administration of the ABC law."

Sec. 5. G.S. 18-B-804(b) is amended by renumbering subdivisions (7) and (8) as (8) and (9), respectively, and adding a new subdivision (7) to read:

"(7) The bailment surcharge;"

Sec. 6. G.S. 18B-805(b)(3) and (f) are amended by deleting the phrase "G.S. 18B-804(b)(8)" each time it appears and substituting the phrase "G.S. 18B-804(b)(9)".

Sec. 7. This act shall become effective November 1, 1982.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 1647 CHAPTER 1286

AN ACT TO EXEMPT TRAILERS USED TO HAUL POTATOES FROM REGISTRATION AND TITLE REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-51(6) is amended by adding the word ", potatoes" immediately after the word "cucumbers".

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. B. 314 CHAPTER 1287

AN ACT TO APPROPRIATE FUNDS TO THE IREDELL COUNTY DAY CARE CENTER FOR HANDICAPPED ADULTS.

Whereas, the Iredell County Day Care Center for Handicapped Adults is now operating in temporary quarters; and

Whereas, the Center serves valuable functions in preventing complications from severe handicapping conditions; ameliorating those conditions; and promoting daily living, socialization, and pre-vocational skills; and

Whereas, those functions enable parents of many retarded adults to work and tends to reduce strain on members of the families; and

Whereas, the Center has now obtained property on which to erect permanent quarters; and

Whereas, local sources, including the county, some of its municipalities, and the Iredell County Association for Retarded Citizens, have raised twenty-five thousand dollars (\$25,000) toward the full cost of the building, which will cost about eighty thousand dollars (\$80,000); Now, therefore.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Iredell County Board of Commissioners for the Iredell County Day Care Center for Handicapped Adults the sum of thirty-eight thousand dollars (\$38,000) for fiscal year 1982-83 for the purpose of construction of a permanent building for the Center.

Sec. 2. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1542 CHAPTER 1288

AN ACT TO PROVIDE FUNDS FOR THE GRASS ROOTS ARTS PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources the sum of two hundred fifty-six thousand two hundred fifty dollars (\$256,250) for fiscal year 1982-83 for the Grass Roots Arts Program. These funds shall be distributed to counties only on a per capita basis for use by local arts programs.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1532 CHAPTER 1289

AN ACT TO MAKE AN APPROPRIATION FOR THE DISPUTE SETTLEMENT CENTER.

Whereas, the Dispute Settlement Center, Inc., in Orange County was begun in 1978 as a means of providing an effective forum for mediation of disputes by means of reaching mutual agreement; and

Whereas, dispute settlement has a great potential for reducing the volume of minor civil and potential criminal matters facing our court system; and

Whereas, the winner-take-all system of adjudication is often unjust, and binding arbitration unacceptable; and

Whereas, in the third quarter of 1980 alone, 70 cases were referred to the dispute settlement center, 46 of which were mediated and 40 of those resolved; and

Whereas, a State appropriation will enable this pilot program to be continued as a model for the entire State; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the District Attorney of Prosecutorial District 15-B for fiscal year 1982-83 the sum of twenty-four thousand dollars (\$24,000) for operating expenses of the Dispute Settlement Center, Inc.

Sec. 2. This act shall become effective July 1, 1982.

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In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1055 CHAPTER 1290

AN ACT TO PROVIDE FUNDS TO PRINT THE COLONIAL RECORDS OF NORTH CAROLINA.

Whereas, it is appropriate and necessary to provide for the timely and expeditious publication of those volumes of The Colonial Records of North Carolina (Second Series) that are being prepared by the Division of Archives and History, Department of Cultural Resources, as provided for in the General Statutes; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 121-6(c) is amended by adding two new sentences to the end to read: "In any year during which the Department of Cultural Resources has completed a volume and has it ready for publication, the Department may include in its continuation budget for that year sufficient funds to pay the estimated costs of publishing the volume. In the event that the volume is not published during that year, the appropriation made, or any unencumbered balance, shall revert to the General Fund."

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1192 CHAPTER 1291

AN ACT AUTHORIZING A STUDY OF ALL CERTIFICATED TEACHERS.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission may study the salary schedules for employees in positions requiring teacher certification in the Department of Human Resources and the Department of Correction and make recommendations on whether the salary schedules should be altered.

Sec. 2. The Legislative Research Commission may report its findings and recommendations to the 1983 General Assembly.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1497 CHAPTER 1292

AN ACT TO APPROPRIATE FUNDS FOR PLANNING AN ANDREW JACKSON MEMORIAL.

Whereas, the State of North Carolina and its citizens have long noted and recognized the origins and early life of Andrew Jackson, the nation's seventh president, in the Waxhaw region along the North Carolina-South Carolina border; and

Whereas, Andrew Jackson, one of the nation's most important military leaders and statesmen, had his historic roots and early experiences in the Waxhaw region, was wounded in the American Revolution while only 13 years of age, was schooled in the Waxhaw region, had his legal training in Salisbury

from 1784 to 1787, practiced law in Western North Carolina during 1787 and 1788, and then participated in the creation of the State of Tennessee while that land was a part of North Carolina; and

Whereas, it is important that the State of North Carolina recognize the origins and early life of this outstanding national leader in North Carolina; and

Whereas, in 1980 the Governor did appoint by Executive Order 46 the Andrew Jackson Memorial Committee to plan an appropriate memorial in present day Union County, North Carolina; and

Whereas, the Andrew Jackson Memorial Committee did conclude that further archaeology and research are needed for historic sites in Union County related to the life of Andrew Jackson; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of eighteen thousand dollars (\$18,000) for the fiscal year 1982-83 for the continuing of the researcher and necessary items in order to make recommendations to the Andrew Jackson Memorial Committee for a proper memorial to Andrew Jackson. This researcher will also continue to supervise the fitting monument. These funds shall not become part of the continuation budget.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1545 CHAPTER 1293

AN ACT TO APPROPRIATE FUNDS FOR THE CARSON COMMUNITY RURAL LIFE CENTER.

Whereas, the Carson Community Rural Life Center presently provides day care services as an infant/toddler center; and

Whereas, the Center plans to expand its services to include the elderly; and

Whereas, the Center houses the Macon Program for Progress; and

Whereas, the Center's community development building, which was built with private funds, is in need of capital improvements; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Carson Community Rural Life Center the sum of ten thousand dollars (\$10,000) for fiscal year 1982-83 for capital improvements to the Center. These funds shall not become a part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

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H. B. 1649 CHAPTER 1294

AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE NON-SERVICE SCHOLARSHIPS FOR RESIDENT NORTH CAROLINA INDIANS.

Whereas, the Indians of North Carolina, although constituting a small minority of the total population have made valuable cultural and economic contributions to the State; and

Whereas, additional opportunity for higher education provides a stronger base for further cultural and economic contributions and a better quality of life for all North Carolina citizens; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina for the fiscal year 1982-83, the sum of one hundred thousand dollars (\$100,000) for the purpose of providing non-service scholarships at the constituent institutions of The University of North Carolina for needy resident North Carolina Indians under rules and regulations which shall be adopted by the Board.

Sec. 2. The Board of Governors may seek the advice of the North Carolina State Commission of Indian Affairs and the Western Tribal Council of the Cherokee Indians in the determination of the eligibility of the applicants.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1650 CHAPTER 1295

AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF STOVALL FOR REPAIR AND OPERATION OF ITS WATER SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Town of Stovall the sum of twenty thousand dollars (\$20,000) for fiscal year 1982-83 for repair and operation of its water system.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1651 CHAPTER 1296

AN ACT TO APPROPRIATE FUNDS FOR THE COMMUNITY SERVICE RESTITUTION PROGRAM IN THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of five hundred thousand dollars (\$500,000) for fiscal year 1982-83 for the deferred prosecution, community service restitution and volunteer program for youthful and adult offenders authorized by G.S. 143B-475(d). No grant recipient may receive more in fiscal year 1982-83 than it received in fiscal year 1981-82 if it received more

than twenty-five thousand dollars (\$25,000) in fiscal year 1981-82. After the program has been in operation for three years, the total amount distributed to all grant recipients in a county may not exceed twenty-five thousand dollars (\$25,000).

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1653 CHAPTER 1297

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO IMPLEMENT A WORD AND INFORMATION PROCESSING SYSTEM FOR THE CONSUMER PROTECTION DIVISION.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Justice for fiscal year 1982-83 the sum of thirty thousand dollars (\$30,000) to implement a word and information processing system for the Consumer Protection Division.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1654 CHAPTER 1298

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR ENROLLMENT PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. The community college curriculum enrollment for the 1981-82 fiscal year by actual students enrolled exceeded the 1982-83 budgeted curriculum enrollment by 2,027 curriculum FTE. In order that all institutions may be funded in 1982-83 at no less than the actual enrollment attained in 1981-82, the sum of one million five hundred seventeen thousand seven hundred ninety-eight dollars (\$1,517,798) is appropriated from the General Fund to the Office of State Budget and Management for fiscal year 1982-83 to be held in reserve for the State Board of Community Colleges to be used to offset unanticipated overenrollment costs. This reserve, however, may not be used to fund Adult Basic Education programs at the curriculum FTE level, as specified in Section 36 of AN ACT TO MODIFY CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA STATE GOVERNMENT FOR THE FISCAL YEAR 1982-83, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1661 CHAPTER 1299

**AN ACT TO APPROPRIATE MATCHING FUNDS TO ASSIST IN THE
REHABILITATION OF THE CAROLINA THEATER IN ROBESON
COUNTY.**

Whereas, the Carolina Theater was the principal theater house for Lumberton from 1928 until the 1970's, embodies the distinctive characteristics of classically designed theaters of the 1920's containing many original architectural elements, and has been nominated to the National Register of Historic Places; and

Whereas, the Carolina Civic Center Foundation, Inc., a nonprofit corporation, has leased the Carolina Theater from the City of Lumberton for one dollar (\$1.00) per year for 20 years, is responsible for its operation and rehabilitation into a community theater, convention center and art gallery, and has demonstrated public support for the Carolina Theater by raising sixty-five thousand dollars (\$65,000) from local private donations and fund raisings; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Carolina Civic Center Foundation, Inc. for fiscal year 1982-83 the sum of twenty-five thousand dollars (\$25,000), to provide matching funds for rehabilitation of the Carolina Theatre in Lumberton, Robeson County. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1666 CHAPTER 1300

**AN ACT TO APPROPRIATE FUNDS FOR THE YANCEY COUNTY
ECONOMIC DEVELOPMENT COMMISSION.**

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Yancey County Economic Development Commission for the fiscal year 1982-83 the sum of ten thousand dollars (\$10,000) to promote economic development in the county.

Sec. 2. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1667 CHAPTER 1301

AN ACT TO APPROPRIATE FUNDS FOR THE MCDOWELL ARTS AND CRAFTS ASSOCIATION AND OLE MOUNTAIN CHRISTMAS, INCORPORATED.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the McDowell Arts and Crafts Association the sum of five thousand dollars (\$5,000) for fiscal year 1982-83 as a grant-in-aid. There is no requirement of a local match.

Sec. 2. There is appropriated from the General Fund to Ole Mountain Christmas, Incorporated, the sum of five thousand dollars (\$5,000) for fiscal year 1982-83 as a grant-in-aid. There is no requirement of a local match.

Sec. 3. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1668 CHAPTER 1302

AN ACT TO APPROPRIATE FUNDS FOR THE STEVEN'S CENTER FOR THE PERFORMING ARTS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Steven's Center for the Performing Arts for fiscal year 1982-83 the sum of thirty-eight thousand dollars (\$38,000) for development of the Center. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1604 CHAPTER 1303

AN ACT TO APPROPRIATE FUNDS FOR "SIGNAL 25 COMMUNICATORS" FOR THE HIGHWAY PATROL.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Crime Control and Public Safety for fiscal year 1982-83 the sum of thirty-five thousand dollars (\$35,000) for "Signal 25 Communicators" for the Highway Patrol.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1641

CHAPTER 1304

AN ACT TO APPROPRIATE FUNDS FOR THE CRABTREE GAP CLOGGERS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Crabtree Gap Cloggers of Canton and Clyde for fiscal year 1982-83 the sum of five thousand dollars (\$5,000) to help send them to Ghent, Belgium, where they will represent the United States in the Brieskes Kerremes Folk Festival. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1644

CHAPTER 1305

AN ACT TO APPROPRIATE FUNDS FOR HIGH-COST SPECIALIZED PROGRAMS AT SEVERAL TECHNICAL INSTITUTES.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the State Board of Community Colleges the sum of one hundred nineteen thousand one hundred forty-seven dollars (\$119,147) to fund the high-cost special programs listed in Section 2 of this act for the fiscal year 1982-83.

Sec. 2. Section 33.1 of Chapter 859 of the 1981 Session Laws directed the State Board of Community Colleges to study several high-cost specialized programs and to recommend to the 1982 Session of the General Assembly the nonformula levels at which 1983-85 budget requests for them shall be formulated.

The State Board recommends and the General Assembly approves the formulation of 1983-85 budget requests for these high-cost specialized programs at the following levels:

(1) Marine Technology Program at Cape Fear Technical Institute—2 times the regular budget FTE funding;

(2) Heavy Equipment Operators Program at Wilson County Technical Institute—2.25 times the regular budget FTE funding;

(3) Wood Products Program at Haywood Technical Institute—2.2 times the regular budget FTE funding;

(4) Truck Driver Training Program at Johnston Technical Institute—1.2 times the regular budget FTE funding.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1656**CHAPTER 1306**

AN ACT TO APPROPRIATE FUNDS FOR A GRANT-IN-AID TO HISTORIC CABARRUS, INC., IN CABARRUS COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to Historic Cabarrus, Inc., for the 1982-83 fiscal year the sum of twenty-five thousand dollars (\$25,000) for the interior and exterior restoration and rehabilitation of the old Cabarrus County Courthouse, provided an amount of twenty-five thousand dollars (\$25,000) is raised by Historic Cabarrus, Inc., in order to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become a part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1659**CHAPTER 1307**

AN ACT TO PROVIDE FUNDS TO WAKE COUNTY FOR A COMPREHENSIVE SCREENING PROGRAM FOR THE ELDERLY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Wake County Commissioners the sum of fifty thousand dollars (\$50,000) for fiscal year 1982-83 to develop a comprehensive screening program for the elderly.

Sec. 1.1. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 1.2. AN ACT TO MODIFY CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS FOR NORTH CAROLINA STATE GOVERNMENT FOR THE FISCAL YEAR 1982-83, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE, (Committee Substitute for House Bill 61, 1981 General Assembly), is amended in Section 16(5) by deleting the number "\$3,616", and inserting in lieu thereof "\$3,216".

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 136**CHAPTER 1308**

AN ACT TO APPROPRIATE FUNDS FOR THE PLANNING AND RESTORATION OF THE MURRAY'S MILL COMPLEX IN CATAWBA COUNTY.

Whereas, the Catawba County Historical Association was chartered as a nonprofit organization in the year 1949 by virtue of the laws of North Carolina, and began development of a serious museum program in 1973; and

Whereas, the purposes of the organization are to discover and preserve significant buildings, and to collect museum material, such as native relics, photographs, documents, and material objects illustrative of life, conditions, events and activities of the past and present in the Catawba Valley area of the

State of North Carolina; to provide for the preservation of such material for the educational interpretation and exhibition of such artifacts and for their accessibility as far as may be feasible to all who wish to examine or study such items; and

Whereas, the concept and nature of the organization is that of an educational institution that embraces the Catawba Valley area, a region generally influenced by common historical antecedents; and

Whereas, the members of the Catawba County Historical Association have been able to raise the fifty-five thousand dollars (\$55,000) necessary to purchase the six acre Murray's Mill complex, consisting of a millhouse with overshot wheel and working machinery (1913), a store (1890's), and a grainhouse (1880's), and that the subject property represents a strong visual recollection of the milling operations of the agrarian way of life in Catawba County at the turn of the century; and

Whereas, the Catawba County Historical Association, parent organization of the Catawba County Historical Museum, has gained broad constituency in terms of museum visitation and use of museum services; and

Whereas, the Catawba County Historical Association, recognizing Murray's Mill to be the last surviving complex of its type in the Catawba Valley and the mill buildings as important historically since they have been preserved intact in a setting undisturbed by the increasingly rapid industrialization of Catawba County, wish to preserve this complex as an irreplaceable educational resource open to all interested persons, particularly students, as a working example of early 20th century milling operations and a manifestation of the free enterprise system on which this country was founded; and

Whereas, the fifty-five thousand dollars (\$55,000) necessary to purchase this property has been raised locally, and additional funds must be obtained before the first phase of architectural planning and restoration can begin; and

Whereas, the Murray's Mill complex, already listed in the National Register of Historic Places, will be utilized as an educational resource consisting of a milling museum which features all aspects of the milling business from farm field to store shelf and a cultural center of folk arts explicating Catawba Valley history, and that these facilities will be open on a regular basis to all interested parties; and

Whereas, the first phase of architectural planning and restoration are vital to the preservation of these historic structures of never-to-be-reproduced architectures; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Catawba County Historical Association the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1982-83 for the first phase of architectural planning and restoration of the Murray's Mill complex, provided a like amount is raised by the Association to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 201 CHAPTER 1309

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE TO MEET INCREASED DEMAND FOR SOIL, PLANT AND NEMATODE ADVISORY SERVICES.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Agriculture the sum of twenty-seven thousand eight hundred fifty-five dollars (\$27,855) for fiscal year 1982-83, to be used to increase laboratory capacity and analytical capability in order to meet increased demand for soil, plant and nematode advisory services.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 251 CHAPTER 1310

AN ACT TO APPROPRIATE FUNDS TO THE LEGISLATIVE RESEARCH COMMISSION AND ITS ADMINISTRATIVE RULES REVIEW COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Legislative Research Commission's Administrative Rules Review Committee the sum of seventy thousand dollars (\$70,000) for the 1982-83 fiscal year to perform its statutory functions.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 299 CHAPTER 1311

AN ACT TO PROVIDE THE STATE'S SHARE OF FUNDS FOR CONSTRUCTION OF THE ROANOKE RAPIDS NATIONAL GUARD ARMORY.

The General Assembly of North Carolina enacts:

Section 1. In addition to any other appropriations, there is hereby appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of three thousand one hundred two dollars (\$3,102) for fiscal year 1982-83 as the State's share for planning/supervision/construction of the Roanoke Rapids National Guard Armory.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 338

CHAPTER 1312

AN ACT TO APPROPRIATE FUNDS FOR THE STABILIZATION OF THE
RUINS OF THE OLD ROCK HOUSE IN STOKES COUNTY.

Whereas, Col. John Martin of Stokes County fought in the Revolutionary War, was active in local politics, and served in the North Carolina House of Commons in 1798 and 1799; and

Whereas, Col. Martin accumulated a large estate and on his land built a grand stone house unique for its day in North Carolina; and

Whereas, the ruins of "the Rock House" have been a local landmark for years and have helped to keep alive the memory of one of early Stokes County's most celebrated citizens; and

Whereas, the Rock House property is now owned by Stokes County which is developing it as a county park; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1982-83 fiscal year the sum of five thousand dollars (\$5,000) for the purpose of hiring a consultant to plan for the stabilization of the Rock House ruins and for applying stabilization measures to the ruins, provided that a like amount of five thousand dollars (\$5,000) is raised by the Stokes County Commissioners in order to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. Funds appropriated in this act shall be expended only in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 376

CHAPTER 1313

AN ACT TO APPROPRIATE FUNDS FOR A GRANT-IN-AID TO HISTORIC
CABARRUS, INC., FOR RESTORATION OF THE CABARRUS COUNTY
COURTHOUSE.

Whereas, Historic Cabarrus, Inc., is a nonprofit corporation responsible for the restoration and adaptive reuse of the old Cabarrus County Courthouse; and

Whereas, the old Cabarrus County Courthouse is one of North Carolina's outstanding examples of the Second Empire style of architecture; and

Whereas, the century old Courthouse in Concord has been listed by the United States Department of the Interior in the National Register of Historic Places; and

Whereas, Historic Cabarrus, Inc., has leased the old Courthouse from Cabarrus County for adaptive reuse as a community arts center; and

Whereas, Historic Cabarrus, Inc., has raised more than one hundred twenty-five thousand dollars (\$125,000) in cash contributions and fifty thousand dollars (\$50,000) in donated materials for emergency repairs; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to Historic Cabarrus, Inc., for the 1982-83 fiscal year the sum of twenty-five thousand dollars (\$25,000) for the interior and exterior restoration and rehabilitation of the old Cabarrus County Courthouse, provided an amount of twenty-five thousand dollars (\$25,000) is raised by Historic Cabarrus, Inc., in order to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become a part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 555 CHAPTER 1314

AN ACT TO ALLOW COUNTIES TO ABATE PUBLIC HEALTH NUISANCES.

The General Assembly of North Carolina enacts:

Section 1. Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-140. *Abatement of public health nuisances.*—A county shall have authority, subject to the provisions of Article 57 of Chapter 106 of the General Statutes, to remove, abate, or remedy everything that is dangerous or prejudicial to the public health. The expense of the action shall be paid by the person in default, and, if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes. The authority granted by this section may only be exercised upon adequate notice, the right to a hearing, and the right to appeal to the General Court of Justice. Nothing in this section shall be deemed to restrict or repeal the authority of any municipality to abate or remedy health nuisances pursuant to G.S. 160A-174, 160A-193, or any other general or local law. This section shall not affect bona fide farms, but any use of farm property for nonfarm purposes is subject to this section."

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 768 CHAPTER 1315

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO REIMBURSE COUNTIES FOR SERVICES NECESSITATED BY THE PRESENCE OF MIGRANT FARM WORKERS.

Whereas, the more than 28,000 migrant farm workers in North Carolina are a necessary source of farm labor; and

Whereas, the presence of these migrant farm workers causes an increased need for services on the part of various county and State agencies operating within the counties; and

Whereas, the Department of Commerce maintains statistics and offers services to migrant farm workers through the Employment Security Commission and the Rural Manpower Services Division; Now, therefore,

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The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Sampson County Board of Commissioners the sum of thirty thousand dollars (\$30,000) for fiscal year 1982-83 for services provided to migrant farm workers. This money shall be used in Sampson County only.

Sec. 2. There is appropriated from the General Fund to the Johnston County Board of Commissioners the sum of twenty thousand dollars (\$20,000) for fiscal year 1982-83 for services provided to migrant farm workers. This money shall be used in Johnston County only.

Sec. 3. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 793

CHAPTER 1316

AN ACT TO PROVIDE A MEMORIAL TO NORTH CAROLINA'S WAR DEAD AT ARLINGTON NATIONAL CEMETERY.

Whereas, Arlington National Cemetery is this nation's most distinguished memorial to its war dead; and

Whereas, the Memorial Amphitheater in Arlington contains awards of the various states in memory of veterans from those states who are interred at Arlington; and

Whereas, 33 states currently display memorial awards at Arlington, but North Carolina is not represented in the Memorial Amphitheater; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Department of Cultural Resources is authorized to proceed with designing an award honoring the war dead of North Carolina interred at Arlington National Cemetery along with the awards of other states.

Sec. 2. There is appropriated from the General Fund to the Department of Cultural Resources funds for fiscal year 1982-83 for preparation and completion of the award, not to exceed ten thousand dollars (\$10,000). These funds shall not become part of the continuation budget.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 800

CHAPTER 1317

AN ACT TO APPROPRIATE FUNDS FOR THE AMERICAN DANCE FESTIVAL.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the American Dance Festival the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 as a grant-in-aid to the Festival. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 801

CHAPTER 1318

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE OUTDOOR DRAMA, "UNTO THESE HILLS".

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Cherokee Historical Association, Inc., the sum of thirty-eight thousand five hundred dollars (\$38,500) for the 1982-83 fiscal year for capital improvements for the outdoor drama, "Unto These Hills". These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 807

CHAPTER 1319

AN ACT TO PROVIDE FUNDS FOR DISCOVERY PLACE IN CHARLOTTE.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to Discovery Place of Charlotte, in Mecklenburg County the sum of one hundred thousand dollars (\$100,000) for fiscal year 1982-83 to provide operating expenses. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 812

CHAPTER 1320

AN ACT TO REMOVE A CONDITION ON AN APPROPRIATION FOR A MUSEUM IN OLD FORT.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 1036, Session Laws of 1981, is amended by deleting the words “, to become the absolute property of the state”.

Sec. 2. Section 1 of Chapter 1036, Session Laws of 1981, is amended by adding the following new sentence: “The funds appropriated under this act shall not revert at the end of the 1981-82 fiscal year, but shall be available until the end of the 1982-83 fiscal year.”

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 820

CHAPTER 1321

AN ACT TO APPROPRIATE FUNDS FOR A GRANT-IN-AID TO THE PERSON PLACE PRESERVATION SOCIETY, INC., IN FRANKLIN COUNTY FOR THE REHABILITATION OF THE PERSON PLACE.

Whereas, the Person Place Preservation Society, Inc., is a nonprofit corporation which has a lease agreement with Louisburg College, which owns the Person Place; and

Whereas, the original Georgian structure was constructed about 1789 by Wilson Milner and had additions through several owners culminating with a large Federal style addition in about 1830; and

Whereas, the structure has a long and integral history in the development of the city of Louisburg and the Franklin Academy (now Louisburg College) and has been a hostelry, a dormitory, and a home for two headmasters of the college and three State legislators; and

Whereas, the structure has been listed by the United States Department of the Interior in the National Register of Historic Places; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Person Place Preservation Society, Inc., the sum of twenty thousand dollars (\$20,000) for fiscal year 1982-83 for phased rehabilitation of the Person Place to provide a facility for community use, provided a like amount is raised by the Society itself to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 823

CHAPTER 1322

AN ACT TO APPROPRIATE FUNDS FOR A WILDLIFE LANDING ON
SALTER'S CREEK.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Wildlife Resources Commission the sum of twenty-five thousand dollars (\$25,000) for the 1982-83 fiscal year for the purpose of constructing a wildlife landing on Salter's Creek in Carteret County.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 824

CHAPTER 1323

AN ACT TO PROVIDE FUNDS FOR THE USE OF OLD SALEM.

The General Assembly of North Carolina enacts:

Section 1. In addition to any other appropriations for this purpose, there is appropriated from the General Fund to Old Salem, Inc. the sum of twenty thousand dollars (\$20,000) for fiscal year 1982-83 for the use of Old Salem in interpreting the history and culture of eighteenth century piedmont North Carolina for school children and adult visitors. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 825

CHAPTER 1324

AN ACT TO PROVIDE OVERTIME COMPENSATION FOR STATE
FORESTRY EMPLOYEES INVOLVED IN FIGHTING FOREST FIRES.

Whereas, the professional employees of the Forest Resources Division of the North Carolina Department of Natural Resources and Community Development devote hundreds of overtime hours each year without adequate compensation in fighting forest fires throughout the State; and

Whereas, professional employees of other State agencies and institutions receive overtime compensation; and

Whereas, the North Carolina General Assembly has determined that the State's forests and woodlands must be adequately protected from the ravages of fire; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of twenty thousand dollars (\$20,000) for the 1982-83 fiscal year for the purpose of providing overtime compensation to the professional employees of the Forest Resources Division involved in fighting forest fires.

Sec. 2. In the event that any of the funds appropriated in this act are not required to fully compensate such employees for overtime, any remaining balance shall revert to the General Fund at the end of the 1982-83 fiscal year

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and shall not be transferred nor expended for any purpose other than the one specified in this act. This act shall not obligate the General Assembly to provide any additional funds at any time.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 826

CHAPTER 1325

AN ACT TO APPROPRIATE FUNDS FOR THE TOWN CREEK INDIAN MOUND STATE HISTORIC SITE.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources the sum of twenty-five thousand two hundred sixty dollars (\$25,260) for the 1982-83 fiscal year for a site assistant, a building guide, the fabrication and installation of exhibits, and water system improvement for the Town Creek Indian Mound State Historic Site. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 830

CHAPTER 1326

AN ACT TO PROVIDE FUNDS FOR A REQUIRED DAY-CARE COSTS STUDY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Administration the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 to fund the day-care cost study required by the Legislative Research Commission Study Committee on Day-Care.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 833

CHAPTER 1327

AN ACT TO APPROPRIATE FUNDS FOR THE MOUNTAIN HORTICULTURAL CROPS RESEARCH STATION AT FLETCHER.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of two hundred seventy-eight thousand dollars (\$278,000) for fiscal year 1982-83, for capital expenses of North Carolina State University's Mountain Horticultural Crops Research Station in Fletcher, North Carolina. This sum shall be allocated as follows: one hundred twenty thousand dollars (\$120,000) for environment growing facilities; eighty-three thousand dollars (\$83,000) for the water management system; seventy-five thousand dollars (\$75,000) for land improvement.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 839 CHAPTER 1328

AN ACT TO APPROPRIATE FUNDS TO BRUNSWICK TECHNICAL COLLEGE FOR CAPITAL CONSTRUCTION.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to Brunswick Technical College for fiscal year 1982-83 the sum of one hundred twenty-five thousand dollars (\$125,000) for capital construction.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 844 CHAPTER 1329

AN ACT TO APPROPRIATE FUNDS TO EXTEND THE STUDY OF THE WHITE OAK RIVER.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of ten thousand dollars (\$10,000) for fiscal year 1982-83, to fund further engineering studies of the navigation, sedimentation, water quality and other water resources problems associated with the White Oak River. The studies will determine the causes of and recommend solutions for the problems of the White Oak River. These funds are in addition to all other funds appropriated to the Department.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 851 CHAPTER 1330

AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE LAKELAND ARTS CENTER.

Whereas, the Lakeland Arts Center has for five years provided counseling, recreational facilities, and exposure to the arts to Halifax County and the surrounding area; and

Whereas, over 100,000 people have attended performances of the arts at the center; and

Whereas, teachers from the center also teach in the public schools, thereby extending the center's contributions to the State; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Lakeland Arts Center in Littleton for fiscal year 1982-83 the sum of twenty-five thousand dollars (\$25,000) for capital improvements. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 857

CHAPTER 1331

AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A BOAT RAMP AT WEST ONSLOW BEACH.

Whereas, the closest boat ramp to West Onslow Beach is located at Turkey Creek which is nearly seven miles by highway from the beach bridge; and

Whereas, this boat ramp at Turkey Creek is difficult for many residents and visitors to locate; and

Whereas, it is felt that there is sufficient need to build a boat ramp at West Onslow Beach which will serve a greater number of people; and

Whereas, a site with deep water is available at West Onslow Beach at the N. C. 210 bridge over the Atlantic Intracoastal Waterway; and

Whereas, the North Carolina Wildlife Resources Commission is responsible for building and maintaining such boat ramps; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development, Wildlife Resources Commission, the sum of ten thousand dollars (\$10,000) for fiscal year 1982-83 for construction of a boat ramp at West Onslow Beach.

Sec. 2. There is appropriated from the General Fund to the Town of Swansboro the sum of twenty-eight thousand dollars (\$28,000) for fiscal year 1982-83 for its bicentennial celebration.

Sec. 3. These funds shall not become a part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 862

CHAPTER 1332

AN ACT TO PROVIDE FUNDS FOR THE TREATMENT OF HEMOPHILIA.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources the sum of one hundred thousand dollars (\$100,000) for fiscal year 1982-83 to be used for the treatment of hemophilia, including the blood products used in such treatment, at the medical facilities affiliated with the Bowman Gray School of Medicine, Charlotte Memorial Hospital, Duke University School of Medicine, East Carolina University School of Medicine, and The University of North Carolina at Chapel Hill School of Medicine, and any other facilities designated in the guidelines developed by the Department of Human Resources pursuant to Section 2 of this act.

Sec. 2. The Department of Human Resources shall maintain and update, as necessary, guidelines for the use of these funds to assist those persons who require continuing treatment with blood, blood derivatives, or manufactured pharmaceutical products to avoid crippling or other effects

associated with hemophilia, but who are unable to pay for the entire cost of these services.

Sec. 3. The Department of Human Resources shall, in any action taken pursuant to Section 2 of this act, consult with at least one representative of the hemophilia programs at Bowman Gray School of Medicine, Charlotte Memorial Hospital, Duke University School of Medicine, East Carolina University School of Medicine, and The University of North Carolina at Chapel Hill School of Medicine, plus at least one representative of the North Carolina Chapter of the National Hemophilia Foundation.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 864 CHAPTER 1333

AN ACT TO APPROPRIATE FUNDS FOR A MONTGOMERY TECHNICAL INSTITUTE PROGRAM TO PROVIDE SERVICES FOR SOUTHERN CORRECTIONAL CENTER.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Correction the sum of forty thousand dollars (\$40,000) for the 1982-83 fiscal year to contract with the Montgomery Technical Institute for a program to provide vocational basic education, college parallel, technical and personal interest courses and library service for Southern Correctional Center. These funds will also build regular FTE credits for this start-up program. The funds appropriated in this act shall not become part of the continuation budget.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 865 CHAPTER 1334

AN ACT TO APPROPRIATE FUNDS FOR THE FRANK HOLDER DANCE COMPANY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Frank Holder Dance Company the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 as a grant-in-aid to support the Company. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 866

CHAPTER 1335

AN ACT TO APPROPRIATE FUNDS FOR CERTAIN ACTIVITIES.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund, for fiscal year 1982-83, the following:

(a) sixty thousand dollars (\$60,000) to Shaw University for restoration of Estey Hall;

(b) fifty thousand dollars (\$50,000) to the Department of Community Colleges for renovations, equipment, and related operating costs at the Creedmoor Branch of Vance-Granville Community College;

(c) fifty thousand dollars (\$50,000) to the Department of Human Resources as a grant-in-aid to Laurel Rural Health Medical Facility;

(d) thirty thousand dollars (\$30,000) to the Liberty Cart as a grant-in-aid;

(e) sixty thousand dollars (\$60,000) to the Department of Cultural Resources as reserve for State aid for library construction and renovation;

(f) thirty-four thousand dollars (\$34,000) to Bennett Place as a grant-in-aid.

No funds appropriated by this act shall become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 633

CHAPTER 1336

AN ACT REGARDING DEPOSIT OF FUNERAL AND BURIAL TRUST FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 65-36.2(a) is amended by adding the following new sentences at the end:

“The trustee may establish an individual trust for each contract or a common trust fund for all contracts. The trust accounts shall be carried in the name of the person, partnership, association or corporation to whom preneed payments are made, but accounting records shall be maintained showing the amounts deposited and invested, and interest, dividends, increases and accretions earned thereon, with respect to each purchaser’s contract.”

Sec. 2. G.S. 65-36.3 is amended by adding the following new sentence at the end:

“The provisions of this section do not apply if the preneed contract provides that it is irrevocable.”

Sec. 3. This act is effective upon ratification and applies to contracts entered into on and after that date.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 840

CHAPTER 1337

AN ACT TO PROVIDE FUNDS TO RESTORE CERTAIN POSITIONS AT WESTERN CAROLINA CENTER.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Mental Health, Mental Retardation and Substance Abuse Services, Department of Human Resources, the sum of one hundred forty-six thousand seven hundred thirty dollars (\$146,730) for fiscal year 1982-83 to restore 15 critically needed Food Service Assistant positions at Western Carolina Center. These funds shall not become a part of the continuation budget.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 871

CHAPTER 1338

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT OF THE SENATE.

Whereas, Chapter 1191, Session Laws of 1981, authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President of the Senate; and

Whereas, the President of the Senate has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Mark Tipton of Pitt County (experienced in home building) is appointed to the Housing Finance Agency for a term to expire on June 30, 1985. Ernie Ford of Columbus County (experienced with a savings and loan institution) is appointed to the Housing Finance Agency for a term to expire on June 30, 1983. Robert L. Jones of Wake County and William Earl Antone of Robeson County are appointed to the Housing Finance Agency for terms to expire on June 30, 1983.

Sec. 2. W. R. Helms of Wayne County is appointed to the Committee for Review of Applications for Incentive Pay for State Employees for a term to expire on July 1, 1984.

Sec. 3. Dr. N. Andrew Miller of Buncombe County (a local school superintendent) is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term to expire on June 30, 1983. E. V. Wilkins of Washington County is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term to expire on June 30, 1983.

Sec. 4. David Stedman of Randolph County is appointed to the Board of Trustees of the North Carolina Museum of Art for a term to expire on June 30, 1983.

Sec. 5. Alice Wynne Gatsis of Nash County is appointed to the Board of Trustees of The University of North Carolina Center for Public Television for a term to expire on June 30, 1983.

Sec. 6. Jeanie Renegar of New Hanover County and Carlos N. Young of Cleveland County are appointed to the Commission for Mental Health, Mental Retardation, and Substance Abuse Services for terms to expire on June 30, 1983.

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Sec. 6.1. Willis D. Brown of Cumberland County is appointed to the Public Officers and Employees Liability Insurance Commission for a term to expire June 30, 1983.

Sec. 7. James C. Spencer, Jr., of Alamance County is appointed to the Property Tax Commission for a term to expire June 30, 1983.

Sec. 8. Benjamin D. Schwartz of New Hanover County is appointed to the Board of Trustees Teachers' and State Employees' Retirement System for a term to expire on June 30, 1983.

Sec. 9. Robert Z. Falls of Cleveland County is appointed to the State Farm Operations Commission for a term to expire June 30, 1983.

Sec. 10. Dr. Richard W. Adams of Iredell County is appointed to the Wildlife Resources Commission for a term to expire on June 30, 1983.

Sec. 11. William F. Troxler of Wake County is appointed to the North Carolina Board of Science and Technology for a term to expire on June 30, 1983.

Sec. 12. Donald W. Bullard of Robeson County is appointed to the Commission of Indian Affairs for a term to expire June 30, 1983.

Sec. 13. Sneed High of Cumberland County is appointed to the North Carolina State Ports Authority for a term to expire June 30, 1983.

Sec. 14. Frank McCray of Cabarrus County is appointed to the Board of Transportation for a term to expire June 30, 1983.

Sec. 15. Wanda J. Proffitt of Yancey County and Thomas Ellis of Durham County are appointed to the Board of Trustees of the North Carolina Land Conservancy Corporation for terms to expire June 30, 1983.

Sec. 16. Alton G. Elmore of Chowan County and M. L. Byrd of Davidson County are appointed to the Environmental Management Commission for terms to expire on June 30, 1983.

Sec. 17. Gerald Wain (Jerry) Gaskill of Carteret County is appointed to the Seafood Industrial Park Authority for a term to expire on June 30, 1983.

Sec. 18. Dr. Frank Weaver of Durham County and Louis Comer of Surry County are appointed to the Board of Public Telecommunications Commissioners for terms to expire on June 30, 1983.

Sec. 19. Henry L. Bridges of Wake County is appointed to the State Fire Commission for a term to expire on June 30, 1983.

Sec. 20. George Lenward Foxwell of Wake County is appointed to the Governor's Waste Management Board for a term to expire on June 30, 1983.

Sec. 20.1. David Helberg of Guilford County is appointed to the Board of Commissioners of the Law Enforcement Officers' Benefit and Retirement Fund for a term to expire on June 30, 1983.

Sec. 20.2. W. Trent Ragland of Wake County is appointed to the Capital Building Authority for a term to expire on June 30, 1983.

Sec. 20.3. David K. Clark of Bladen County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term to expire on June 30, 1983.

Sec. 21. All appointments made by this act are for terms to begin on the effective date of this act.

Sec. 22. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 199 CHAPTER 1339

AN ACT TO APPROPRIATE TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FUNDS TO ESTABLISH A PROGRAM SIMILAR TO SOUTH CAROLINA'S "OPERATION-GET-SMART."

Whereas, the crime rate is soaring and our prisons are overcrowded; and

Whereas, a program like South Carolina's "Operation-Get-Smart" has shown that inmate contact with children and teenagers is proving a strong deterrent to crime; and

Whereas, it costs the State an average of eight thousand four hundred eighty-six dollars and twenty-five cents (\$8,486.25) to house a prisoner for one year; and if 25 children or teenagers are dissuaded from a life of crime, the cost of the program would be saved in one year; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of fifty thousand dollars (\$50,000) for the fiscal year 1982-83 for the purpose of establishing within the Department of Crime Control and Public Safety a program in which male and female inmates of the State prison system would appear at school meetings or assemblies and civic organization meetings to relate their personal experiences concerning their attitudes leading them to commit crimes and their subsequent incarceration. The purpose of the program is to deter children and teenagers from engaging in criminal activity. These funds shall not become a part of the Department's continuation budget.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1676 CHAPTER 1340

AN ACT TO CONVEY CERTAIN PROPERTY TO BUTNER RESCUE SQUAD, INC.

The General Assembly of North Carolina enacts:

Section 1. The State of North Carolina shall convey to Butner Rescue Squad, Inc., (if requested in writing by Butner Rescue Squad, Inc.) its right, title and interest to lots 5, 6, and 7 of Plat 85, Book 5, Page 25, Granville County Registry, to be used in giving ambulance and rescue services to the people in the area, provided that if not used by Butner Rescue Squad, Inc., for those purposes, then to Granville County for those purposes, and if not then used by Granville County for those purposes, then to revert to the State.

Sec. 2. This transfer shall be represented by a deed from the State to Butner Rescue Squad, Inc., as soon as it may be practical to do so.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 446

CHAPTER 1341

AN ACT TO PROVIDE FUNDS FOR A SWEET POTATO FACILITY AT
THE HORTICULTURAL CROPS RESEARCH STATION AT CLINTON.

Whereas, North Carolina is the number one sweet potato producer in the nation; and

Whereas, the sweet potato crop is increasingly important to North Carolina and research into improving this crop is becoming more and more essential; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Agriculture the sum of thirty-eight thousand dollars (\$38,000) for fiscal year 1982-83 to build a facility at the Horticultural Crops Research Station at Clinton to conduct research on mechanization of the various stages of sweet potato processing.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 491

CHAPTER 1342

AN ACT TO APPROPRIATE MONEY FOR THE DEVELOPMENT OF
PUBLIC RADIO.

Whereas, the 1979 General Assembly in G.S. 143B-426.12 stated that "it is the policy of the State of North Carolina that at least one public radio signal shall be made available to every resident"; and

Whereas, public radio signals are concentrated in the central sections of North Carolina and millions of residents, especially those in the east and west, are without a public radio signal; and

Whereas, North Carolina has public radio organizations organized to provide services to North Carolinians; and

Whereas, public radio is an inexpensive, effective means of providing education, information, and cultural enrichment to all citizens; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the office of State Budget and Management the sum of one hundred two thousand five hundred dollars (\$102,500) for fiscal year 1982-83 to be apportioned among three nonprofit public radio organizations as onetime, nonrecurring grants-in-aid. Of these funds, friends of Public Radio, Inc., (that station proposed for the New Hanover County area) shall receive the sum of twelve thousand five hundred dollars (\$12,500).

Sec. 2. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of twenty-seven thousand five hundred dollars (\$27,500) for the fiscal year 1982-83 to provide one additional Park Chief Ranger and related operating expenses at Carolina Beach State Park. This ranger position will function from this State Park, but the primary responsibility is for the land leased to the State for park purposes by Sunny Point and the other State lands of Fort Fisher area that have been designated for park and recreation purposes. This ranger will coordinate

activities, management and supervision with New Hanover County's Park and Recreation Department, Sheriff's Department, Fort Fisher Historic Museum, Marine Science Center, the Nature Conservancy, and the Audubon Society.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 654 CHAPTER 1343

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT FOR A FOREST SERVICE HEADQUARTERS IN CRAVEN COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of forty thousand dollars (\$40,000) for fiscal year 1982-83 for a Craven County headquarters for the Division of Forest Resources. These funds shall not revert at the end of the fiscal year.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 792 CHAPTER 1344

AN ACT TO APPROPRIATE MATCHING FUNDS TO ASSIST IN THE RESTORATION AND REHABILITATION OF THE GALLERY THEATRE IN HERTFORD COUNTY.

Whereas, the Gallery Theatre has been the principal theater house for Ahoskie since 1918 and is one of the oldest community theaters in continuous operation in North Carolina; and

Whereas, the Gallery Theatre contains many architectural features of early 20th century vaudeville theaters and contains examples of theater arts from 1891 to today; and

Whereas, the Gallery Theatre is a candidate for nomination to the National Register of Historic Places; and

Whereas, restoration and rehabilitation of the Gallery Theatre will provide space for a community history museum documenting railroad town life in North Carolina and will remain a center for contemporary performing and visual arts; and

Whereas, the Town of Ahoskie will be responsible for its restoration, rehabilitation, operation and maintenance and will keep the Gallery Theatre open to the general public; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Town of Ahoskie the sum of twenty-seven thousand five hundred dollars (\$27,500) for fiscal year 1982-83 to restore the Gallery Theatre provided a like amount is raised by the town to match this grant on a dollar-for-dollar basis. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

CHAPTER 1344 Session Laws—1981

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 940 CHAPTER 1345

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR REPAIR AND MAINTENANCE OF ARMY AND AIR NATIONAL GUARD ARMORIES.

The General Assembly of North Carolina enacts:

Section 1. In addition to any other appropriation for this purpose, there is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of one hundred seven thousand three hundred thirty-seven dollars (\$107,337) for fiscal year 1982-83, for repairs and maintenance of Army National Guard armories.

Sec. 2. In addition to any other appropriation for this purpose, there is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of six hundred eight dollars (\$608.00) for fiscal year 1982-83, for the State share of funding of repairs and maintenance of Air National Guard facilities.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1148 CHAPTER 1346

AN ACT TO APPROPRIATE FUNDS FOR SPOUSE ABUSE PROGRAMS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Administration for fiscal year 1982-83 the sum of two hundred ten thousand dollars (\$210,000) to fund spouse abuse programs. These funds shall not become a part of the continuation budget.

Sec. 2. The Secretary of Administration may promulgate rules to determine eligibility requirements for grants under Section 1 of this act.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1171 CHAPTER 1347

AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MUSEUM OF LIFE AND SCIENCE.

Whereas, the North Carolina Museum of Life and Science, located in Durham, North Carolina, has, over the past 30 years, provided millions of the residents of this State with a Museum of Life and Science; and

Whereas, the museum has permanent displays of our environment, space exploration and historical data dealing with our total background; and

Whereas, the museum now owns 28 acres of land and has many buildings and exhibits; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund for the 1982-83 fiscal year to the North Carolina Museum of Life and Science for the continuation of capital improvements and operating funds the sum of one hundred thousand dollars (\$100,000) for the use and benefit of the North Carolina Museum of Life and Science. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1247 CHAPTER 1348

AN ACT TO INCREASE THE NUMBER OF CERTAIN PUBLICATIONS TO BE SENT TO THE LEGISLATIVE LIBRARY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-138(g) is amended by adding "Legislative Building Library" to the agencies listed in the table and by adding the number "1" in the column "NUMBER OF COPIES" opposite that entry.

Sec. 2. G.S. 147-45 is amended in the table by changing the number "25" to "35" in the "Session Laws" column opposite the entry for the Legislative Building Library.

Sec. 3. There is appropriated from the General Fund to the Nash County Historical Association, Inc., the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 for the continued restoration and interior rehabilitation of Stonewall, also known as the Lewis House, provided the Association raises a like amount to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1306 CHAPTER 1349

AN ACT TO CLARIFY THE NEWBORN INFANT LAW TO REQUIRE INSURANCE COVERAGE FOR FULL TREATMENT OF CLEFT LIP AND CLEFT PALATE ANOMALIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-251.4 is amended by adding the following sentence at the end of line 9 as the same appears on page 695 of the 1975 Replacement Volume 2B:

"Benefits for congenital defects or anomalies shall specifically include, but not be limited to, all necessary treatment and care needed by individuals born with cleft lip or cleft palate."

Sec. 2. This act shall become effective January 1, 1983.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1371 CHAPTER 1350

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY AND THE DEPARTMENT OF JUSTICE TO PROVIDE FOR IMPLEMENTATION OF THE RADAR ACT.

The General Assembly of North Carolina enacts:

Section 1. In addition to any other appropriation, there is appropriated from the General Fund to the Department of Justice the sum of eighty-seven thousand dollars (\$87,000) for fiscal year 1982-83 to certify North Carolina law enforcement officers in the use of radio microwave or other speed measuring instruments as required by G.S. 8-50.2. These funds shall not become part of the Department's continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1372 CHAPTER 1351

AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A HIGHWAY PATROL STATION IN ANY DISTRICT HEADQUARTERS THAT DOES NOT HAVE A STATION.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the Highway Fund to the Department of Crime Control and Public Safety the sum of one hundred thousand dollars (\$100,000) for fiscal year 1982-83 to construct a highway patrol station in any highway patrol district headquarters that does not have a permanent station and in which the department has available land on which to construct a station. This money shall be used immediately for design and site preparation for the station.

Sec. 2. Any funds appropriated by this act that remain unexpended at the end of fiscal year 1982-83 shall not revert to the Highway Fund.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1430 CHAPTER 1352

AN ACT TO PERMIT A MODIFICATION IN THE USE OF FUNDS PREVIOUSLY APPROPRIATED FOR HENRY STEVENS CARSON HOUSE IN BUNCOMBE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1003 of the 1981 Session Laws is amended in the first section by deleting the last two sentences.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1454**CHAPTER 1353****AN ACT TO APPROPRIATE FUNDS TO ASSIST THE RESTORATION OF HARMONY HALL IN THE CITY OF KINSTON.**

Whereas, Harmony Hall in the City of Kinston in Lenoir County is the only surviving eighteenth century building in the City of Kinston, the original portion thereof having been constructed in the last quarter of the eighteenth century; and

Whereas, the house served as the residence of James Glasgow, Secretary of State during the Richard Caswell administration, and was owned by Governor Caswell; and

Whereas, the City of Kinston and Lenoir County can greatly benefit from the restoration of the house as a museum and community and visitor's center; and

Whereas, the Lenoir County Historical Association, Inc., has raised over one hundred ninety-five thousand dollars (\$195,000) in State, county, city, and local funds for the purpose of restoring and preserving Harmony Hall; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Lenoir County Historical Association, Inc., the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 to continue the restoration of Harmony Hall in Kinston.

Sec. 2. There is appropriated from the General Fund to the Black Artists' Guild, Inc., the sum of five thousand dollars (\$5,000) for fiscal year 1982-83 for operating expenses and program funds.

Sec. 3. Funds appropriated in this act shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1458**CHAPTER 1354****AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION OF THE JUVENILE LAW STUDY COMMISSION.**

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Juvenile Law Study Commission the sum of ten thousand dollars (\$10,000) for the fiscal year 1982-83 to carry out the purposes of Article 58 of Chapter 7A of the General Statutes.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1465

CHAPTER 1355

AN ACT TO APPROPRIATE FUNDS FOR A WILDLIFE LANDING ON LAKE WYLIE.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development, Wildlife Resources Commission, the sum of fifteen thousand dollars (\$15,000) for the 1982-83 fiscal year for the purpose of constructing a wildlife landing on Lake Wylie in Gaston County.

Sec. 2. There is appropriated from the General Fund to the Lincoln County Apple Growers' Association the sum of ten thousand dollars (\$10,000) for fiscal year 1982-83 to sponsor the Lincoln County Apple Festival.

Sec. 3. Funds appropriated in this act shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1468

CHAPTER 1356

AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR A GRANT-IN-AID FOR THE RESTORATION AND REHABILITATION OF THE OLD UNION COUNTY COURTHOUSE.

Whereas, the Old Union County Courthouse, constructed in 1886, is one of North Carolina's finest examples of Victorian civic architecture; and

Whereas, the ninety-five year old courthouse has been listed by the United States Department of the Interior in the National Register of Historic Places; and

Whereas, the 1981 Session of the General Assembly has already appropriated the sum of one hundred eighteen thousand seven hundred five dollars (\$118,705) for the purpose of interior and exterior restoration and rehabilitation of the Old Union County Courthouse, but the bids have exceeded the initial appropriation; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Union County Board of Commissioners the sum of twenty-two thousand seven hundred fifty-two dollars (\$22,752) for fiscal year 1982-83 for the interior and exterior restoration and rehabilitation of the Old Union County Courthouse, provided a like amount is raised by Union County to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1489

CHAPTER 1357

AN ACT TO APPROPRIATE FUNDS FOR THE COMPLETION OF THE REHABILITATION OF THE GROVE (BLOUNT-BRIDGERS HOUSE) IN TARBORO FOR USE AS AN ART GALLERY, ARTS EDUCATIONAL CENTER AND COMMUNITY CIVIC CENTER.

Whereas, the Grove, constructed in Tarboro in 1808 by General Thomas Blount, is one of the finest examples of North Carolina Federal architecture (National Historic Register Data: Grove (Blount-Bridgers House), Bridgers Street, Tarboro, Edgecombe County, February 18, 1971); and

Whereas, General Thomas Blount served in the Revolutionary War, was a member of the North Carolina Senate, an early trustee of The University of North Carolina, and served North Carolina in the United States House of Representatives for 11 years; and

Whereas, succeeding families residing at the Grove included such notable men as Colonel Louis D. Wilson, a trustee of The University of North Carolina, member of the North Carolina Legislature and colonel in the Mexican War; and Colonel John L. Bridgers, prominent Tarboro attorney and landowner, member of the North Carolina Legislature and Civil War officer; and

Whereas, the estate of the late Hobson Pittman, a native of Tarboro acclaimed internationally as one of the foremost American impressionist artists, has made available to the Town of Tarboro an invaluable collection of Pittman's artwork, furniture and personal memorabilia, on the condition that the Town of Tarboro provide a suitable gallery for such work; and

Whereas, it is fitting that an appropriate gallery be established in order to fulfill the Pittman bequest and to procure these valuable art treasures for all North Carolinians; and

Whereas, a definite need for a community civic center and meeting place in Tarboro has been expressed by individuals, clubs and other civic organizations; and

Whereas, the Town of Tarboro plans to adaptively re-use the Grove as a gallery for Pittman's artwork and meeting place for civic organizations; and

Whereas, the Town of Tarboro has received grants from the North Carolina General Assembly (1979-81 biennium), the Heritage Conservation and Recreation Service, the Z. Smith Reynolds Foundation and donations and pledges from private individuals and businesses for the purpose of beginning the first phase of a rehabilitation program for the Grove; and

Whereas, construction on this first phase is underway and funds are now needed to complete the project; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Town of Tarboro in Edgecombe County, for the 1982-83 fiscal year the sum of twenty-five thousand dollars (\$25,000) for the purpose of completing a phased program of rehabilitation of the Grove (Blount-Bridgers House), provided that like amounts are raised by the Town of Tarboro in order to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

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In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1500

CHAPTER 1358

AN ACT TO APPROPRIATE FUNDS TO TASC IN ORDER TO HELP REDUCE DRUG RELATED CRIME AMONG SUBSTANCE ABUSING OFFENDERS.

Whereas, the 1981 General Assembly in Chapter 1119 of the Session Laws appropriated funds for drug abuse services in Guilford and Wake Counties; and

Whereas, Open House, Incorporated, in Mecklenburg County also faces loss of its federal support; and

Whereas, these agencies are the sponsors of the Treatment Alternatives to Street Crimes (TASC) Program; and

Whereas, the goals of the TASC Program are to reduce drug related crime and criminal recidivism among substance abusing offenders by providing a mechanism for referral of appropriate offenders to community based treatment programs; and

Whereas, TASC benefits the treatment of substance abusers by improving client retention rates through criminal justice sanctions imposed, by using medical evidence to document the use of drugs by a client and by providing follow-up on the health, education, employment and avoidance of criminal activity by a client; and

Whereas, TASC benefits the criminal justice system by easing overcrowding in local jails by expediting pretrial release of offenders, by reducing jail medical crises through early identification of persons experiencing drug withdrawal, by providing the courts with objective assessment data and by providing a sentencing alternative to incarceration of substance abusers; and

Whereas, TASC benefits the community by reducing the costs of incarceration of substance abusers, by reducing the costs of processing and maintaining substance abusers, by reducing the costs of burglaries and other property related crimes and by assisting substance abusers to become productive, tax paying citizens; and

Whereas, TASC's annual cost per client is less than four hundred fifty dollars (\$450.00) which is substantially less than the State's costs of incarceration of these persons; and

Whereas, TASC's success rate of sixty-five percent (65%) and recidivism rate of fifteen percent (15%) are significantly less than the State penal system recidivism rate of sixty-five percent (65%); Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of thirty thousand two hundred thirty dollars (\$30,230) for fiscal year 1982-83 for the support of Open House, Incorporated, for the purpose of contracting for programs which reduce drug related crime and criminal recidivism among substance abusing offenders.

Sec. 1.1. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1507 CHAPTER 1359

AN ACT TO IMPROVE ADMINISTRATIVE PROCEDURE AND PRACTICE AS RECOMMENDED BY THE ADMINISTRATIVE RULES REVIEW COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-253 is amended by inserting a sentence after the first sentence to read as follows:

“The Board is authorized to require the posting of inspection certificates.”

Sec. 2. G.S. 106-503 is amended by adding a new third paragraph to read:

“The Board of Agriculture, after giving notice and receiving public comment pursuant to G.S. 150A-12, and pursuant to the provisions of Chapter 146 of the General Statutes, may establish a schedule of rental rates for Fair properties and specifications for the issuance of premiums so as to provide a State Fair and other projects.”

Sec. 3. G.S. 74C-5(2) is amended by inserting the following between “qualifications” and “and”:

“, establish and require written or oral examinations,”.

Sec. 4. G.S. 143B-67 is amended by inserting the following sentence at the end of the first paragraph:

“The Commission is authorized to establish and require written examinations for certified public librarian applicants.”

Sec. 5. G.S. 150A-14 is amended by rewriting the first sentence to read as follows:

“An agency may adopt by reference in its rules, without publishing the adopted matter in full:

(1) all or any part of a code, standard, or regulation which has been adopted by any other agency of this State or any agency of the United States or by a generally recognized organization or association; or

(2) any plan or material which is adopted to meet the requirements of any agency of the United States and approved by that agency but which does not include any State policy or State rule as defined in G.S. 150A-10.”

Sec. 6. G.S. 150A-63(e)(1) as the same appears in the 1981 Cumulative Supplement to Volume 3C is amended by rewriting the last two lines to read:

“Governor; and two copies to the Legislative Research Commission for the use of the General Assembly;”.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1512

CHAPTER 1360

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR TESTING POULTRY FOR GUMBORO DISEASE.

Whereas, poultry is North Carolina's largest food industry; and

Whereas, control of poultry diseases is vital to the continued success of this industry; and

Whereas, gumboro disease is a serious threat to the poultry industry because it attacks the immune system of baby chicks, making them more susceptible to other poultry diseases, thereby promoting the spread of poultry diseases; and

Whereas, the Department of Agriculture presently lacks the equipment and supplies necessary for testing for gumboro disease; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Agriculture the sum of ten thousand dollars (\$10,000) for the fiscal year 1982-83 to be used for the purchase of equipment and supplies necessary and appropriate for testing for gumboro disease in poultry.

Sec. 2. There is appropriated from the General Fund to the Department of Agriculture the sum of two hundred thousand dollars (\$200,000) for the 1982-83 fiscal year for an animal disease diagnostic laboratory in northwestern North Carolina.

Sec. 3. Funds appropriated in this act shall not become part of the Department's continuation budget.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1527

CHAPTER 1361

AN ACT TO APPROPRIATE FUNDS TO PARENTS ANONYMOUS OF NORTH CAROLINA, INC.

Whereas, Parents Anonymous of North Carolina, Inc., is a private, nonprofit agency that provides organizational support and professional expertise to communities to help them establish and maintain Parents Anonymous chapters; and

Whereas, since its incorporation in 1976, Parents Anonymous of North Carolina, Inc., has established 24 chapters throughout the State; and

Whereas, Parents Anonymous chapters offer a self-help group approach to the prevention of child abuse and neglect that has proven to be extremely successful in alleviating stress in troubled families; and

Whereas, Parents Anonymous of North Carolina, Inc., cannot maintain its current level of program support to local chapters or provide the professional nucleus and continuity needed without additional funding; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources the sum of twenty-six thousand dollars (\$26,000) for fiscal year 1982-83 to provide funding for Parents Anonymous of North Carolina, Inc.

Sec. 1.1. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1528 CHAPTER 1362

AN ACT TO APPROPRIATE FUNDS FOR AN ARCHAEOLOGICAL SITE SURVEY OF THE TOWN OF MURFREESBORO IN HERTFORD COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History the sum of three thousand dollars (\$3,000) for the 1982-83 fiscal year for funds to match United States Department of the Interior funds to conduct an archaeological site survey of the Town of Murfreesboro in Hertford County. These funds shall not become part of the continuation budget. Any unexpended funds at the end of 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1544 CHAPTER 1363

AN ACT TO APPROPRIATE FUNDS FOR ACQUISITION PROJECT FUNDING FOR THE TOWN OF ANDREWS WATERSHED PROJECT.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Town of Andrews for fiscal year 1982-83 the sum of thirty thousand dollars (\$30,000) for the acquisition phase of the Andrews Watershed Project.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1547 CHAPTER 1364

AN ACT TO APPROPRIATE FUNDS FOR HISTORIC HALIFAX.

Whereas, North Carolina was the first of the thirteen colonies to take official action for independence by adopting the famous Halifax Resolves, April 12, 1776, more than a month before the colony of Virginia instructed its delegates in the Continental Congress to propose independence; and

Whereas, our first State Constitution was written in the town of Halifax in December, 1776, and our first State Governor, Richard Caswell, was elected there, and other significant historic events occurred in that town; and

Whereas, the Department of Cultural Resources has developed the historic part of the town of Halifax as a State Historic Site; and

Whereas, more than two hundred thousand dollars (\$200,000) worth of land and other property has been donated to the State at Halifax; and

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Whereas, since the 1979 General Assembly recessed, work has been completed on Lot 52, the site of the Joseph Montfort House, ca. 1763, where more than one hundred thousand artifacts have been found; and

Whereas, a temporary structure was built over the remains as an emergency measure, but this structure will preserve the remains for only a short time; and

Whereas, the State of North Carolina would be a leader in establishing archaeological and historical interpretive programs should a permanent structure be built over the remains; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Division of Archives and History, Department of Cultural Resources, for the 1982-83 fiscal year the sum of thirty-eight thousand dollars (\$38,000) to complete the structure over the remains of Lot 52, the site of the Joseph Montfort House, in the town of Halifax, and to establish an archaeological and historical interpretive program at the building for the public benefit. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. Funds appropriated in this act shall be expended only in accordance with G.S. 121-11 and G.S. 143-31.2.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1548 CHAPTER 1365

AN ACT TO APPROPRIATE FUNDS TO WESTERN NORTH CAROLINA TOMORROW.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to Western North Carolina Tomorrow for fiscal year 1982-83 the sum of fifteen thousand dollars (\$15,000) for a grant-in-aid. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1560 CHAPTER 1366

AN ACT TO APPROPRIATE FUNDS FOR THE MARTIN COUNTY PLAYERS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Martin County Players for fiscal year 1982-83 the sum of ten thousand dollars (\$10,000) to continue the position of director. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1563

CHAPTER 1367

AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE KING-BAZEMORE HOUSE LOCATED IN WINDSOR, BERTIE COUNTY.

Whereas, Historic Hope Foundation was established in 1965 as a nonprofit organization according to the statutes of the State of North Carolina, to acquire, preserve, restore and maintain for the benefit of the public the Georgian styled, circa 1800, mansion known as "Hope", the home of the Honorable David Stone (1770-1818), Governor of North Carolina and its representative in both houses of the United States Congress; the said residence being located in Bertie County approximately four miles west of Windsor, N. C., on the south side of N. C. Highway 308; and

Whereas, the said Historic Hope Foundation has been most successful by its diligent efforts in accomplishing its aims by having brought to fruition one of the most outstanding and significant historic restoration projects in our State which reflects great credit, recognition and distinction on the people of North Carolina which is, in part, evidenced by the numerous State and national awards which the Hope Restoration has received; and

Whereas, Historic Hope Foundation has broadened its original aims to include saving for posterity another very important Bertie County period dwelling and now owns and is in the process of preserving, restoring and maintaining for the benefit of the public the 1763 King-Bazemore House, a rare and excellently constructed dwelling of distinguished eighteenth century vernacular architecture, which through the efforts of Historic Hope Foundation was moved to the Hope property and which is listed in the National Register of Historic Places; and

Whereas, Historic Hope Foundation since its establishment seventeen years ago has received for historic preservation purposes from personal solicitations, private organizations, and local, State and federal agencies, approximately eight hundred twenty-five thousand dollars (\$825,000) of which eighty thousand dollars (\$80,000) was appropriated by the State of North Carolina; and

Whereas, Historic Hope Foundation has maintained and kept the Hope Restoration open for the benefit of the visiting public on a regular, daily schedule since October 4, 1972; and

Whereas, Historic Hope Foundation at present receives an annual appropriation of twelve thousand five hundred dollars (\$12,500) for staff salaries from Bertie County Funds and raises and receives an additional fifty thousand dollars (\$50,000) annually to maintain its completed restoration projects and to continue the work required for the completion of the restoration of the King-Bazemore House which is of State and national importance: Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to Historic Hope Foundation the sum of twenty thousand dollars (\$20,000) for the fiscal year 1982-83 for the purpose of restoring the King-Bazemore House located near

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Windsor, Bertie County. These funds shall not become part of the continuation budget. Any unexpended funds at the end of 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1566 CHAPTER 1368

AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT AND IMPROVEMENT OF THE SNOW CAMP DRAMA SOCIETY'S HISTORIC AND CULTURAL ACTIVITIES AND PROGRAMS.

Whereas, the Snow Camp Drama Society was founded as an educational, historical and cultural nonprofit corporation on January 20, 1971; and

Whereas, the Snow Camp Drama Society has been in continuous operation and encouraged by widespread community support since 1971 and is a national leader in developing a repertory of plays in conjunction with its production of the outdoor drama, "The Sword of Peace", every year since 1974; and

Whereas, the outdoor drama, "The Sword of Peace", has been seen by an estimated 53,772 people since productions began in 1974; and

Whereas, the outdoor drama, "The Sword of Peace", has made major historical and cultural contributions to the State and nation; and

Whereas, the Quakers of North Carolina have made a significant contribution to our historical heritage; and

Whereas, the Quaker Museum located on the grounds of the outdoor drama depicts the life, times, teachings and contributions of the Quaker people in North Carolina and the nation; and

Whereas, the cultural benefits of all the activities of the Snow Camp Drama Society had made a significant economic impact on the tourist industry for Alamance County and the State of North Carolina; and

Whereas, "The Sword of Peace" deserves and needs increased financial support; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund the sum of twenty thousand dollars (\$20,000) for the fiscal year 1982-83 to the Snow Camp Drama Society to produce the drama "The Sword of Peace". These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1578

CHAPTER 1369

AN ACT TO APPROPRIATE FUNDS FOR A BOAT RAMP IN
BRUNSWICK COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development, Wildlife Resources Commission, for fiscal year 1982-83 the sum of ten thousand dollars (\$10,000) for construction of a boat ramp in Brunswick County.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1590

CHAPTER 1370

AN ACT TO APPROPRIATE FUNDS FOR THE MUSEUM OF NORTH
CAROLINA HANDICRAFTS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Museum of North Carolina Handicrafts in Waynesville the sum of fifteen thousand dollars (\$15,000) for fiscal year 1982-83 as a grant-in-aid for capital improvements to the Museum. No local matching funds are required to receive this money. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1592

CHAPTER 1371

AN ACT TO APPROPRIATE FUNDS FOR THE HAMPTON MARINER'S
MUSEUM.

Whereas, North Carolina's coastal maritime history, especially examples of water craft construction, should be preserved; and

Whereas, the Hampton Mariner's Museum conducts a program, supported by private contributions, on maritime history; and

Whereas, these private funds are now exhausted; and

Whereas, great public interest exists in preserving coastal maritime history; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Agriculture for fiscal year 1982-83, the sum of twenty-five thousand dollars (\$25,000) for use by the Hampton Mariner's Museum to continue its maritime history program. This money shall not become a part of the Department's continuation budget.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1599

CHAPTER 1372

**AN ACT CONCERNING A STUDY ON THE STATE'S INTERESTS IN
RAILROAD PROPERTIES.**

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission, in its study of the State's interests in railroad companies and railroad operations, as authorized in Section 2 of Resolution 61, Session Laws of 1981 is authorized to:

(1) Obtain an independent expert evaluation of the State's interests in the North Carolina Railroad Company and the Atlantic and North Carolina Railroad Company;

(2) Receive proposals to maximize the benefits to all stockholders of investments in these railroad companies and carry on negotiations toward those ends; such negotiations may be carried on by such person or persons designated by the commission (or its subcommittee) after consultation with the boards of directors of the North Carolina Railroad and the Atlantic and North Carolina Railroad; and

(3) Report to the 1983 Session of the General Assembly on such evaluation, including, if any action is recommended, any and all necessary legislation.

Sec. 2. In carrying out Section 1 of this act, the negotiations, in the discretion of the commission (or its subcommittee), may be held in private. Any discussion by the commission (or its subcommittee) of the negotiations shall be a permitted purpose for an executive session under G.S. 143-318.11. Any agreement finally reached shall be made public upon its recommendation by the commission (or its subcommittee).

Sec. 3. Notwithstanding the provisions of G.S. 105-259, the commission (or its subcommittee, or staff, or the person making the evaluation) shall have access to any return or record filed under Article 23 of Chapter 105 of the General Statutes or any return or record used by the Department of Revenue in computing valuation under Article 23, concerning property owned by the North Carolina Railroad Company or the Atlantic and North Carolina Railroad Company; provided, however, that such person obtaining access shall not divulge the contents of such return or record and shall be subject to the penalties of G.S. 105-259 if such record or return is divulged.

Sec. 4. Chapter 1046, Session Laws of 1951, is amended by adding a new section to read:

"Sec. 1.1. No stock owned by the State of North Carolina in the Atlantic and North Carolina Railroad Company shall be sold except with the prior consent of the General Assembly."

Sec. 5. G.S. 124-5 is amended by adding at the end thereof the following new sentence: "Prior to taking any action under this section between July 1, 1982, and June 1, 1983, concerning the Atlantic and North Carolina Railroad or the North Carolina Railroad, the Governor and Council of State shall give at least 20 days' notice to the Legislative Research Commission. No extension of any lease to expire December 31, 1994, may be granted to the lessee or the operating company of the railroad during that 11-month period."

Sec. 6. There is appropriated from the General Fund to the Legislative Research Commission the sum of two hundred fifty-six thousand dollars (\$256,000) for fiscal year 1982-83 for studies authorized by the Commission.

Sec. 7. There is appropriated from the General Fund to the General Assembly the sum of one thousand dollars (\$1,000) for fiscal year 1982-83 to provide funds to the Committee on Employee Hospital and Medical Benefits to reimburse consultant expenses already incurred.

Sec. 8. There is appropriated from the General Fund to the Legislative Services Commission the sum of two hundred thousand dollars (\$200,000) for fiscal year 1982-83 to improve information management and to monitor the implementation of the State employees' health benefits contract.

Sec. 9. Sections 1 through 5 of this act are effective upon ratification; Sections 6 through 8 shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1600 CHAPTER 1373

AN ACT TO APPROPRIATE FUNDS FOR THE AUTISTIC GROUP HOME FOR CHILDREN IN STANLY COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources the sum of thirty-eight thousand dollars (\$38,000) for fiscal year 1982-83 to cover operating expenses of the Autistic Group Home for Children in Stanly County.

Sec. 1.1. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1602 CHAPTER 1374

AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE EDWARDS-FRANKLIN HOUSE IN SURRY COUNTY.

Whereas, the Edwards-Franklin House in Surry County has been acquired by the Surry County Historical Society, Inc., which plans to preserve and restore it as a public facility for the education and enjoyment of the citizens of our State; and

Whereas, the transitional Georgian-Federal style Edwards-Franklin House, which was built circa 1799 by Gideon Edwards, a prominent citizen in the early history of Surry County, is architecturally significant as the culmination of architectural development in late-eighteenth century/early-nineteenth century northwestern North Carolina; and

Whereas, the Franklin House was for 25 years the home of Meshack Franklin, member of the General Assembly and Council of State, delegate to the Constitutional Convention of 1835, and representative in the United States Congress; and

Whereas, Meshack Franklin devoted nearly 20 years to public service for the State of North Carolina during a critical period of the State's history; and

Whereas, Meshack Franklin's education, experience, and prestige made the Franklin House a social, cultural, and literary center for the people of Surry County during his occupancy; and

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Whereas, the Surry County Historical Society, Inc., wishes to honor one of its outstanding citizens by preserving and restoring his home; and

Whereas, the Surry County Historical Society, Inc., has already raised over one hundred thousand dollars (\$100,000) of private, local, State and Federal funds and has completed exterior restoration of the Edwards-Franklin House; and

Whereas, there is a need for funds to continue the restoration of the Edwards-Franklin House; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund to the Surry County Historical Society, Inc., the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 to continue the restoration of the Edwards-Franklin House, including interior restoration, architectural services, and site improvements, provided the Society itself raises a like amount to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 2. There is appropriated from the General Fund to the Rockford Preservation Society, Inc., the sum of two thousand five hundred dollars (\$2,500) for fiscal year 1982-83 for further preservation and stabilization of the York Tavern, Bland House, Davenport House, and office building in Surry County, provided a like amount is raised by the Society itself to match the grant-in-aid on a dollar-for-dollar basis.

Sec. 3. Funds appropriated in this act shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1607

CHAPTER 1375

AN ACT TO APPROPRIATE FUNDS FOR THE OUTDOOR DRAMA "STRIKE AT THE WIND".

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Robeson Historical Drama, Incorporated, the sum of thirty-eight thousand dollars (\$38,000) for the fiscal year 1982-83 for continued production of the outdoor drama "Strike at the Wind". These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1610

CHAPTER 1376

AN ACT TO PERMIT EXPENDITURE OF FUNDS ALREADY APPROPRIATED FOR THE RESTORATION OF FORT DEFIANCE IN CALDWELL COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1045 of the 1979 Session Laws, as amended by Chapter 1212 of the 1979 Session Laws, is amended in Section 1 by deleting all language following the words "purpose of completing" and substituting therefor the words and punctuation "the restoration of Fort Defiance."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1616

CHAPTER 1377

AN ACT TO ASSIST THE CITY OF CLINTON IN THE PURCHASE AND RENOVATION OF THE CINEMA THEATRE.

Whereas, the Cinema Theatre in Clinton can be used for a Little Theatre, for piano recitals and for arts in all forms; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the City of Clinton the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1982-83 to purchase and renovate the Cinema Theatre in Clinton and to purchase equipment for the theatre, provided a like amount is raised by the City to match the grant-in-aid on a dollar-for-dollar basis. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1621

CHAPTER 1378

AN ACT TO APPROPRIATE FUNDS FOR THE SUPPORT OF THE NORTH CAROLINA SHAKESPEARE FESTIVAL, INCORPORATED.

Whereas, the North Carolina Shakespeare Festival, Incorporated, was created to provide a resident theatre in North Carolina to offer a regular program of professionally produced classical theatre in the State; and

Whereas, the North Carolina Shakespeare Festival, based in the City of High Point, presented its first season in 1977 with the production of two Shakespeare plays and one by Moliere, and these performances were attended by more than 11,000 persons from all areas of North Carolina, and received consistently high critical reviews; and

Whereas, the Shakespeare Festival cooperates with the North Carolina School of the Arts at Winston-Salem, sponsors an Actor-in-the-Schools program to bring professional actors into the cultural programs provided by our schools, and through its professional acting company presents performances at various cities in North Carolina; and

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Whereas, the North Carolina Shakespeare Festival is the State Shakespeare Festival, and fills a cultural gap in North Carolina; and

Whereas, the North Carolina Shakespeare Festival is becoming an important attraction to tourists, business, and industry; and

Whereas, the management of the Shakespeare Festival has set an example of sound management and fiscal responsibility in the performing arts; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the North Carolina Shakespeare Festival, Incorporated, in addition to all other appropriations, the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 to be used as operating funds by the North Carolina Shakespeare Festival, Incorporated. There is no matching requirement. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1627 CHAPTER 1379

AN ACT TO APPROPRIATE FUNDS FOR OPERATING ASSISTANCE TO THE CUED SPEECH CENTER, INC.

Whereas, the Cued Speech Center is able to provide services to local school systems assisting in the educational process; and

Whereas, cued speech is an aid to lipreading and learning to use spoken language and allows deaf persons to better understand ordinary speech and learn to speak; and

Whereas, cued speech opens new worlds for the hearing impaired, and can be a "magic passport" to a normal and full life for the hearing impaired; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources for fiscal year 1982-83 the sum of twenty-five thousand dollars (\$25,000) to provide a grant for operating expenses of the Cued Speech Center, Inc.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1630

CHAPTER 1380

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR CAPITAL IMPROVEMENTS OF THE EASTERN MUSIC FESTIVAL.

Whereas, the Eastern Music Festival is a community-oriented organization in Greensboro, North Carolina, which, while offering training to aspiring musicians from all over North Carolina and the Nation, provides an intensive seven-week schedule of concerts, recitals, and service projects; and

Whereas, the Eastern Music Festival has been enriching the cultural life of the Triad, the State, and the Nation for more than 20 years; and

Whereas, the Eastern Music Festival has the support of local and State leaders, organizations, and agencies, and has been designated a member of the Statewide Arts Resources by the Department of Cultural Resources; and

Whereas, the Eastern Music Festival is in need of more modern equipment so that it can continue to expand its many services by operating more efficiently and economically; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Eastern Music Festival in Greensboro the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 for capital improvements. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund. This appropriation is in addition to all other appropriations to the Eastern Music Festival.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1636

CHAPTER 1381

AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A BOAT RAMP AT LAKE HICKORY, ALEXANDER COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Natural Resources and Community Development Wildlife Resources Commission the sum of twelve thousand dollars (\$12,000) for the fiscal year 1982-83 for the construction of a boat ramp at Lake Hickory in Alexander County.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 222

CHAPTER 1382

AN ACT TO AMEND STATUTES ALLOWING DAY-CARE FACILITIES TO CARE FOR TWENTY PERCENT (20%) MORE CHILDREN THAN THE BASE CHILD/STAFF RATIO.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-91(7)c. is rewritten to read:

"Any facility may provide care for twenty percent (20%) more children than the number for which it is licensed, including preschool and school age children. No more than 25 children shall be attended by one staff member or supervising adult."

Sec. 2. G.S. 110-91(7)d. is repealed.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1640

CHAPTER 1383

AN ACT TO APPROPRIATE FUNDS TO COASTAL CAROLINA COMMUNITY COLLEGE TO PROVIDE EQUIPMENT FOR THE JAMES S. MELTON VOCATIONAL SKILLS CENTER.

Whereas, the James S. Melton Vocational Skills Center is designed to provide expandable, multi-purpose laboratories and supportive space to meet the present and future needs for skills training to advance the economy of Eastern North Carolina; and

Whereas, construction of the James S. Melton Vocational Skills Center comes from a one million two hundred thousand dollar (\$1,200,000) grant from the Economic Development Administration with a local contribution of eight hundred sixty thousand dollars (\$860,000) in funds and land; and

Whereas, the project is supported by governmental leaders and organizations at the federal, State, and local levels and by industries planning moves or expansions in the nine counties served by the James S. Melton Vocational Skills Center; and

Whereas, the funds to be appropriated are necessary to provide the James S. Melton Vocational Skills Center with the basic equipment to work with client industries and to commence full services for the citizens of Eastern North Carolina; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Coastal Carolina Community College the sum of one hundred thousand dollars (\$100,000) for the fiscal year 1982-83 to equip the James S. Melton Vocational Skills Center. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 453

CHAPTER 1384

AN ACT RELATING TO THE INCLUSION OF ART WORKS IN STATE BUILDINGS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended to add a new Article to read as follows:

“ARTICLE 47A.

“Art Works In State Buildings.

“§ 143-408.1. *Short title.*—This Article shall be cited as ‘The Art Works in State Buildings Act.’

“§ 143-408.2. *Declaration of policy and statement of purpose.*—It is declared as a matter of public policy by the General Assembly of North Carolina that the State of North Carolina has a responsibility to its citizens to improve the quality of life and the public environment through art, and to promote the development of artists and craftsmen. It is, therefore, the purpose of the General Assembly to encourage the inclusion of art works in those State buildings which are either newly constructed, restored, or renovated and which are open to the public, except as hereinafter set out.

“§ 143-408.3. *Definitions.*—As used in this Article:

(1) ‘Architect’ means an architect licensed under the provisions of Chapter 83A of the General Statutes.

(2) ‘Artist’ means a practitioner in the visual or plastic arts whose objective is to create original works of art, and who is generally recognized as accomplished by others in the field of art. The term ‘artist’ includes artisans and craftspeople.

(3) ‘Principal user’ means the head of the State agency which will be the principal occupant of the proposed State building. In cases where more than one agency will occupy such building, however, the term ‘principal user’ means the Secretary of the Department of Administration.

(4) ‘Art works’ or ‘works of art’ mean any form of visual art work that may be integrated into the design of the building or serve as an addition to it, including, but not limited to, paintings, sculptures, fountain sculptures, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, silk screens, etchings, and lithographs. ‘Art works’ or ‘works of art’ shall not include landscape architecture or gardening nor any reproductions of original art by mechanical means.

“§ 143-408.4. *Procedures for inclusion of art works in State buildings.*—(a) A committee of six persons shall be established to receive applications from the principal users of State buildings and to determine their eligibility for the inclusion of a major work of art. The committee shall consist of the Secretary of the Department of Administration, the Secretary of the Department of Cultural Resources, and two members from the North Carolina Arts Council appointed by the council. The General Assembly shall appoint two members, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. This committee shall be designated as the Committee on Art in

State Buildings. Appointments to the committee shall be for two-year terms beginning on July 1 of odd-numbered years.

(b) The Committee on Art in State Buildings will consider applications with priority being given first to newly constructed buildings, followed by restored buildings and then renovated buildings.

(c) The selection and commissioning of artists and the acquisition and execution of works of art for State buildings pursuant to this Article shall be exempt from the provisions of all competitive bidding requirements for State purchases. Expenditures for works of art as provided in this Article shall be contracted for separately from all other items in the construction, restoration, or renovation project.

(d) The provisions of this Article shall not apply to any construction project undertaken by The University of North Carolina.

“§ 143-408.5. *Selection of artists and works of art.*—(a) The selection of the artist and work of art for each eligible State building shall be the joint determination of a five-member panel of artists and architects appointed by the Committee on Art in State Buildings to make a recommendation appropriate for that particular State building.

(b) The recommendation of this panel will be presented together with an itemized cost and analysis for the project to the Committee on Art in State Buildings which will then either accept or reject the proposal.”

Sec. 2. There is appropriated from the General Fund to the Department of Cultural Resources for fiscal year 1982-83 the sum of five thousand dollars (\$5,000) to provide art works for State buildings. When these funds are expended, no other funds shall be appropriated or transferred for this purpose. These funds shall not become a part of the continuation budget, and this act does not obligate the General Assembly to make any further appropriations. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 3. This act shall become effective July 1, 1982, but appointments to the committee may be made at any time after ratification of this act.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1574

CHAPTER 1385

AN ACT TO MODIFY THE SCOPE OF ARTICLE 4C OF CHAPTER 113 OF THE GENERAL STATUTES DEALING WITH REGULATION OF OPEN FIRES.

The General Assembly of North Carolina enacts:

Section 1. The third sentence of G.S. 113-60.21 is amended to read:

“The General Assembly further finds that in certain counties a high percentage of the land area contains organic soils or forest types which may pose greater problems of forest fire and air pollution controls, and that in counties in which a great amount of land-clearing operations is taking place on these organic soils or these forest types, additional control of open burning is required.”

Sec. 2. G.S. 113-60.23(a) is amended by deleting the counties “Brunswick,” “Columbus,” and “Pender.”

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1584 CHAPTER 1386

AN ACT TO PROVIDE FUNDS FOR THE RESTORATION AND RENOVATION OF THE OLD COURTHOUSE IN ORANGE COUNTY.

Whereas, the old Orange County Courthouse was designed and built in 1845 by Captain John Berry, Hillsborough brickman, builder, and legislator, who also designed Smith Hall and the Playmakers Theater on The University of North Carolina campus; and

Whereas, the old courthouse is Greek-revival temple-form architecture described in *Hamlin's Greek Revival Architecture in America* as "one of the best of its kind in America"; and

Whereas, the old courthouse is listed in the National Register of Historic Places and is located in the Hillsborough Historic District; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Orange County Board of Commissioners for fiscal year 1982-83 the sum of twenty-five thousand dollars (\$25,000) to assist the County of Orange in restoration of its old county courthouse; provided that a like amount is raised in non-State funds. These funds shall not become part of the continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1634 CHAPTER 1387

AN ACT TO PROVIDE FUNDS FOR SPENCER SHOPS HISTORIC SITE.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Cultural Resources the sum of one hundred thousand dollars (\$100,000) for fiscal year 1982-83 for Spencer Shops Historic Site in Spencer, North Carolina, to continue the restoration of the back shop and the paint shop and to improve the parking lot and security. Funds appropriated in this act shall not become part of the Department's continuation budget. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 2. The State Budget Office shall study alternative uses of the Spencer Shops Historic Site property, including transferring the property to the Board of Aldermen of the City of Spencer or to the Rowan County Board of Commissioners for use as an industrial park. The Budget Office shall report its findings and recommendations to the 1983 General Assembly no later than February 1, 1983.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1652

CHAPTER 1388

AN ACT TO ESTABLISH A BOARD TO ADMINISTER NEED-BASED
LOANS TO STUDENTS IN THE HEALTH PROFESSIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131-121, G.S. 131-121.3, G.S. 131-124 and G.S. 131-125 are repealed.

Sec. 2. Chapter 131 of the General Statutes is amended by adding a new section to read:

“§ 131-124.1. Effective July 1, 1982, all funds previously appropriated to the Department of Human Resources for student loans and scholarships under prior G.S. 131-121, G.S. 131-121.3, G.S. 131-124 and G.S. 131-125, and for the administration thereof, shall be transferred to the Office of State Budget and Management, including all loans or scholarship funds repaid to the Department of Human Resources pursuant to prior G.S. 131-121, G.S. 131-121.3, G.S. 131-124 and G.S. 131-125.”

Sec. 3. G.S. 143B-165(5) is repealed.

Sec. 4. Chapter 143 of the General Statutes is amended by adding a new Article to read:

“ARTICLE 2.

“North Carolina Board for Need-Based Medical Student Loans.

“§ 143B-35. *Creation of board.*—The North Carolina Board for Need-Based Medical Student Loans, hereinafter referred to as the board, is established in the Office of State Budget and Management to provide financial assistance on the basis of demonstrated need as determined by the board to students who are residents of North Carolina and who are accepted in an accredited degree-granting program, in any school, college or university, leading to graduation as physicians, dentists, optometrists, pharmacists, nurses, nurse instructors, nurse anesthetists, medical technicians, social workers, psychologists or other health professionals as so determined by the board.

“§ 143B-36. *Program transfer.*—Effective July 1, 1982, all funds previously appropriated to the Department of Human Resources for student loans and scholarships pursuant to prior G.S. 131-121, G.S. 131-121.3, G.S. 131-124 and G.S. 131-125, and for the administration thereof shall be transferred to the Office of State Budget and Management to be administered by the board, including all loans or scholarships repaid to the Department of Human Resources pursuant to prior G.S. 131-121, G.S. 131-121.3, G.S. 131-124 and G.S. 131-125.

“§ 143B-37. *Membership of board; structure.*—The board shall consist of nine nonlegislative members; three to be appointed by the Governor; three to be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives under G.S. 120-121, and three to be appointed by the General Assembly upon the recommendation of the President of the Senate under G.S. 120-121.

Board members shall be appointed for four-year terms with the first appointments to expire July 1, 1986. Board members may be reappointed without limit.

In the event of a vacancy occurring for any reason, the vacancy shall be filled by the officer who made the particular appointment now vacant, except that vacancies in appointments by the General Assembly shall be filled under G.S.

120-122. The new appointee shall serve for the duration of the term remaining to the prior appointment now vacant.

The board at its first meeting shall elect a chairman and vice-chairman who shall so serve for the four years of their terms on the board. New elections for chairman and vice-chairman shall be held at the first meeting following the next four-year appointments to the board.

The board shall meet regularly at such times and in such places as its chairman and vice-chairman deem necessary to accomplish its functions. The chairman and vice-chairman may call special meetings at any time and place.

The chairman and vice-chairman shall organize the work of the board and shall prepare rules of procedure governing the operation of the board.

The members of the board shall receive per diem and necessary travel and subsistence expenses in accordance with Chapter 138 of the General Statutes.

“§ 143B-38. *Powers and duties.*—The board shall administer a program of student loans and scholarships to those students designated in G.S. 143B-35 that it determines have demonstrated financial need and who otherwise qualify.

The board shall promulgate rules and regulations for the administering of the program.

The board shall prepare a written annual report giving an account of its proceedings, transactions and any recommendations it may have and shall submit this report to the Governor and the General Assembly.

All staff, clerical and other services required by the board shall be supplied by the Office of State Budget and Management.”

Sec. 5. In effecting this transfer, the director of the program shall be transferred to the Office of State Budget and Management. In addition, other staff in the discretion of the State Budget Officer, may be transferred.

Sec. 6. Section 1 of this act shall not be construed as affecting the status of any loan or scholarship already granted. Any loan or scholarship already granted under Article 13 of Chapter 131 of the General Statutes shall be administered by the North Carolina Board for Need-Based Medical Student Loans.

Sec. 7. This act shall become effective July 1, 1982, except that appointments to the North Carolina Board for Need-Based Medical Student Loans may be made upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1660 CHAPTER 1389

AN ACT REGARDING USE OF FEDERAL BLOCK GRANT FUNDS.

The General Assembly of North Carolina enacts:

Section 1. Of the funds appropriated to the Department of Human Resources for the fiscal year 1982-83, the sum of twelve million two hundred ninety-six thousand two hundred forty-eight dollars (\$12,296,248) is from the federal Alcohol, Drug, and Mental Health Block Grant and includes the 1982-83 federal allocation and federal funds carried over from prior fiscal years. These funds shall be used as follows:

(a) Two million eight hundred two thousand four hundred fifty-nine dollars (\$2,802,459) to continue to fund, at a level proportionate to the federal

reduction, the eight area programs which received funds in 1981 under the Community Mental Health Centers Act;

(b) Four million four hundred eighty-three thousand one hundred seven dollars (\$4,483,107) to continue to fund those alcohol and drug programs which are currently receiving federal funds;

(c) Five million ten thousand six hundred eighty-two dollars (\$5,010,682) is allocated to the four regional offices of the Division of Mental Health, Mental Retardation and Substance Abuse Services.

Sec. 2. Of the funds appropriated to the Department of Human Resources for fiscal year 1982-83, the sum of forty million six hundred eighteen thousand one hundred fifty-nine dollars (\$40,618,159) is from the federal Low Income Energy Assistance Block Grant and shall be used as follows:

(a) Two million two hundred fifty thousand dollars (\$2,250,000) to fund the weatherization program;

(b) Four million ninety-six thousand four hundred forty-nine dollars (\$4,096,449) to fund the Crisis Intervention Program;

(c) Twenty-nine million three hundred seventy-five thousand four hundred seven dollars (\$29,375,407) for the individual payment program;

(d) One million seven hundred sixty-nine thousand six hundred sixty-six dollars (\$1,769,666) is placed in a reserve for emergency use or transfer to the Maternal and Child Health Care Block Grant if funds for programs in the Maternal and Child Health Care Block Grant have been exhausted;

(e) Three million one hundred twenty-six thousand four hundred twenty-nine dollars (\$3,126,429) to cover State and county administrative costs.

(f) Notwithstanding existing statutes, Community Volunteer assistance in the administration of this program is encouraged. Any administrative expense saved by volunteer administrative assistance will remain in the county for distribution to eligible recipients of low income energy assistance.

Sec. 3. Of the funds appropriated to the Department of Human Resources for fiscal year 1982-83, the sum of ten million nine hundred thirty-three thousand four hundred ninety-three dollars (\$10,933,493), including the federal Maternal and Child Health Block Grant funds and one million six hundred thousand dollars (\$1,600,000) transferred from the Low Income Energy Assistance Block Grant, shall be used as follows:

(a) Six million nine hundred seventy-two thousand six hundred fifty-four dollars (\$6,972,654) for maternal and child health services;

(b) Three million eight hundred seventy-six thousand two hundred fourteen dollars (\$3,876,214) for specialized services to disabled children;

(c) Fifty-four thousand six hundred twenty-five dollars (\$54,625) for sudden infant death syndrome;

(d) Thirty thousand dollars (\$30,000) for lead based paint poisoning prevention to provide statewide consultation and technical assistance in the area of lead screening and abatement.

Sec. 4. Of the funds appropriated to the Department of Human Resources for fiscal year 1982-83, the sum of two million eight hundred seventeen thousand nine hundred forty dollars (\$2,817,940) is from the federal Preventive Health Services Block Grant and includes the 1982-83 federal allocation and federal funds carried over from prior fiscal years as well as two hundred thousand dollars (\$200,000) transferred from the Low Income Energy Assistance Block Grant. These funds shall be used as follows:

(a) Six hundred ninety-five thousand one hundred seventy-four dollars (\$695,174) for emergency medical services;

(b) Nine hundred thirty-three thousand dollars (\$933,000) for aid-to-county health departments (314-D);

(c) Five hundred thirty-eight thousand six hundred twenty-eight dollars (\$538,628) for hypertension control programs;

(d) Four hundred fourteen thousand five hundred fifty-seven dollars (\$414,557) for health education/risk reduction programs;

(e) One hundred fifty-nine thousand nine hundred seventy-nine dollars (\$159,979) for fluoridation projects;

(f) Seventy-six thousand six hundred two dollars (\$76,602) for rape crisis/rape prevention programs.

Sec. 5. Of the funds appropriated to the Department of Human Resources for fiscal year 1982-83, the sum of sixty-two million one hundred eighty-eight thousand four hundred sixty-seven dollars (\$62,188,467) is from the federal Social Services Block Grant and shall be used as follows:

(a) Forty-five million three hundred seventy-eight thousand six hundred forty-one hundred dollars (\$45,378,641) to the 100 county departments of social services to provide funds for the purchase of day care services, in-home services, and other mandated and optional services. Allocations to counties will be based on the same formula used in the 1981-82 State fiscal year;

(b) Six million fifty-one thousand five hundred six dollars (\$6,051,506) for mental health programs;

(c) Two million six hundred thirty-one thousand nine hundred one dollars (\$2,631,901) for services provided by the Division of Services for the Blind;

(d) One million seven hundred ten thousand two hundred twelve dollars (\$1,710,212) to local health departments to provide family planning;

(e) One hundred five thousand six hundred forty-seven dollars (\$105,647) for the Division of Facility Services to provide consulting and technical assistance in establishing standards for programs;

(f) Two hundred ninety-three thousand sixty-three dollars (\$293,063) for the Division of Youth Services to support the Therapeutic Residential and Camping Program;

(g) Seven hundred thirty two thousand four hundred eighty seven dollars (\$732,487) to Day Care Administration;

(h) Two million two hundred sixty-one thousand six hundred sixty-four dollars (\$2,261,664) for administration costs of the Division of Social Services;

(i) One million seven hundred seventy two thousand nine hundred ninety dollars (\$1,772,990) for the purchase of other services by the Division of Social Services;

(j) Six hundred seventy seven thousand seven hundred seven dollars (\$677,707) for the Title XX Administration Section and Volunteer Services;

(k) Five hundred seventy-two thousand six hundred forty-nine dollars (\$572,649) to remain in a reserve.

Sec. 6. Of the funds appropriated to the Department of Public Education for the fiscal year 1982-83 the sum of eleven million fifty-three thousand eight hundred eighty-two dollars (\$11,053,882) is from the Elementary and Secondary Education Block Grant and shall be used as follows:

(a) Eight million eight hundred forty-three thousand one hundred six dollars (\$8,843,106) for allotments to local education agencies, seventy percent

(70%) to be allocated based on enrollment and thirty percent (30%) based on participation by students in the free lunch program;

(b) One million one hundred five thousand three hundred eighty-eight dollars (\$1,105,388) for strengthening the State agency for providing services to local education agencies;

(c) Five hundred fifty-two thousand six hundred ninety-four dollars (\$552,694) for administration of Chapter II—Education Consolidation and Improvement Act;

(d) Five hundred fifty-two thousand six hundred ninety-four dollars (\$552,694) for competitive grants to local education agencies.

Sec. 7. Of the funds appropriated to the Department of Natural Resources and Community Development for the fiscal year 1982-83, the sum of seven million four hundred nineteen thousand seven hundred eighty-one dollars (\$7,419,781) is from the Community Services Block Grant and shall be used as follows:

(a) No more than three hundred seventy thousand nine hundred eighty-nine dollars (\$370,989) for administration;

(b) The remaining funds for grants to 34 community action agencies and seven limited purpose agencies.

Sec. 8. Of the funds appropriated to the Department of Natural Resources and Community Development for the fiscal year 1982-83, the sum of forty-six million three hundred seventy-four thousand dollars (\$46,374,000) is from the Small Cities Community Development Block Grant and shall be used as follows:

(a) Forty-five million four hundred forty-six thousand five hundred twenty dollars (\$45,446,520) to local governments;

(b) Nine hundred twenty-seven thousand four hundred eighty dollars (\$927,480) as a reserve, including funds for administration.

Sec. 9. The Governor may make reductions or increases in the amounts stated in this act if federal funds are less or more, respectively, than appropriated in this act.

Sec. 10. G.S. 120-84.4 is amended to read:

“§ 120-84.4. *Powers.*—The Committee may review all aspects of the acceptance and use of federal block grant funds. The Committee may also make recommendations to the General Assembly for legislation relating to federal block grant funds and may suggest mechanisms for legislative review of all federal funds, at all stages of the process, from application through receipt, appropriation, and expenditure.”

Sec. 11. G.S. 120-84.5 is amended in subsections (a) and (b) by deleting “prior approval”, and inserting in lieu thereof the word “review”.

Sec. 12. G.S. 120-84.5(b) is amended by deleting the last sentence and inserting the following in lieu thereof:

“The Committee shall review the recommended action within 40 days of receiving a request for review from the Office of State Budget and Management. All federal block grant funds are subject to appropriation by the General Assembly.”

Sec. 13. Section 65 of Chapter 1127, Session Laws of 1981, is amended by adding immediately after the words “shall submit reports to the General Assembly no later than May 10, 1982”, the words “and another report not later than February 1, 1983”.

Sec. 14. Sections 1-9 of this act shall become effective July 1, 1982. Sections 10-13 are effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1665 CHAPTER 1390

AN ACT TO PROVIDE FUNDS TO MAKE NECESSARY IMPROVEMENTS TO THE BELHAVEN BOAT RAMP.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Town of Belhaven, in Beaufort County, the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1982-83 to make necessary improvements on the Belhaven boat ramp in Beaufort County by adding a bulkhead and ramp and by removing existing unsafe conditions.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1583 CHAPTER 1391

AN ACT TO EXTINGUISH ANCIENT MINERAL CLAIMS IN RUTHERFORD COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-42.7. *Ancient mineral claims extinguished; oil, gas and mineral interests to be recorded and listed for taxation.*—(a) Where it appears on the public records that the fee simple title to any oil, gas or mineral interests in an area of land has been severed or separated from the surface fee simple ownership of such land, and this interest is not in actual course of being mined, drilled, worked or operated, or in the adverse possession of another; or that the record titleholder of any oil, gas or mineral interests has not listed the same for ad valorem tax purposes in the county in which it is located for a period of 10 years prior to February 1, 1982, any person having the legal capacity to own land in this State who has on September 1, 1982, an unbroken chain of title of record to the surface estate of the area of land for at least 50 years, and provided the surface estate is not in the adverse possession of another, shall be deemed to have a marketable title to the surface estate as provided in the succeeding subsections of this section, subject to any interests and defects as are inherent in the provisions and limitations contained in the muniments that form the chain of record title.

(b) This marketable title shall be held by such person and shall be taken by his successors in interest free and clear of any and all fee simple oil, gas or mineral interests in the area of land founded upon any reservation or exception contained in an instrument conveying the surface estate in fee simple that was executed or recorded at least 50 years or more prior to September 1, 1982, and such oil, gas or mineral interests are hereby declared to be null and void and of no effect whatever at law or in equity: Provided, however, that any fee simple oil, gas or mineral interest not already extinguished by existing laws may be

preserved and kept effective by recording within two years after September 1, 1982, a notice in writing duly sworn to and subscribed before an official authorized to take probate by G.S. 47-1, which sets forth the nature of the oil, gas or mineral interest and gives the book and page where recorded. This notice shall be probated as required for registration of instruments by G.S. 47-14 and recorded in the office of the register of deeds of the county wherein the area of land, or any part thereof lies, and in the book therein kept or provided under the terms of G.S. 1-42 for the purpose of recording certain severances of surface and subsurface land rights, and shall state the name and address of the claimant and, if known, the name of the surface owner, and shall also contain either a sufficient description of the area of land involved as to make the property readily located or due incorporation by reference of the recorded instrument containing the reservation or exception of the oil, gas or mineral interest. The notice may be made and recorded by the claimant or by any other person acting on behalf of any claimant who is under a disability, unable to assert a claim on his own behalf, or one of a class but whose identity cannot be established or is uncertain at the time of filing the notice of claim for record.

(c) This section shall be construed to effect the legislative purpose of facilitating land title transactions by extinguishing certain ancient oil, gas or mineral claims unless preserved by recording as herein provided. The oil, gas or mineral claims hereby extinguished include those of persons whether within or without the State, and whether natural or corporate, but do not include governmental claims, State or federal, and all such claims by reason of unexpired oil, gas or mineral releases.

(d) Within two years from September 1, 1982, all oil, gas or mineral interests in lands severed or separated from the surface fee simple ownership must be listed for ad valorem taxes, and notice of this interest must be filed in writing in the manner provided by G.S. 1-42.3(b) and recorded in the local registry in the book provided by G.S. 1-42 to be effective against the surface fee simple owner or creditors, purchasers, heirs or assigns of such owner. Subsurface oil, gas and mineral interests shall be assessed for ad valorem taxes as real property and such taxes shall be collected and foreclosed in the manner authorized by Chapter 105 of the General Statutes of North Carolina.

(e) The board of county commissioners shall publish a notice of this section in a newspaper published in the county or having general circulation in the county once a week for four consecutive weeks prior to September 1, 1982.

(f) This act applies only to Rutherford County."

Sec. 2. This act does not revive any oil, gas or mineral interests that have been extinguished under the provisions of any prior law.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

S. B. 700

CHAPTER 1392

AN ACT TO CREATE A SELECT COMMITTEE TO STUDY THE DEPARTMENT OF PUBLIC EDUCATION.

Whereas, the Declaration of Rights in the Constitution of North Carolina guarantees the people the "right to the privilege of education" and makes it the "duty of the State to guard and maintain that right"; and

Whereas, the Constitution of North Carolina mandates that the General Assembly "provide . . . for a general and uniform system of free public schools"; and

Whereas, the Department of Public Education is comprised of a Superintendent of Public Instruction elected by the people and a State Board of Education consisting of the Lieutenant Governor, the Treasurer and 11 members appointed by the Governor; and

Whereas, the Constitution of North Carolina grants the Superintendent and the State Board of Education interrelated powers which may lead to irreconcilable differences; and

Whereas, the General Assembly feels it is necessary to study the fiscal and operational functions of the Department of Public Education so as to guarantee the fundamental right of the people to the privilege of education and to provide for a general and uniform system of free public schools; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is created a Legislative Committee to Study the Department of Public Education. The Committee shall consist of five members appointed by the Speaker of the House and five members appointed by the Lieutenant Governor.

Sec. 2. Members of the Committee shall be reimbursed for travel and subsistence expenses at the rates set out in G.S. 120-3.1. All expenses of the Committee shall be paid from funds appropriated to the General Assembly. The Legislative Services Officer shall provide staff to the Committee.

Sec. 3. The Committee shall study the fiscal and operational functions of the Department of Public Education and shall consider the effect of placing the fiscal functions of the Department under the Office of State Budget and Management. The study shall include policies, procedures, philosophy and educational programs of the Department and shall examine the constitutional tension created by the separate but interrelated powers of the Superintendent of Public Instruction and the State Board of Education.

Sec. 4. The Committee shall report to the 1983 General Assembly. The report shall include recommendations on providing better educational opportunities to the citizens of the State in a more cost-effective manner. The report may include proposed legislation including proposed constitutional amendments.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1570

CHAPTER 1393

AN ACT TO ANNEX AN AREA TO THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina enacts:

Section 1. The paragraph denominated "Section 1.3. Corporate Limits" of Section 1, Chapter 392 of the 1979 Session Laws, the Charter of the Town of Gibsonville, is amended by adding at the end of said paragraph the following:

"The corporate limits of the Town of Gibsonville are hereby enlarged by annexation of the following area:

BEGINNING at an iron stake corner with lot 17 and 40 of Section 2 and lot 1 of Section 4-A, said iron stake marking the northwestern corner of lot 17 of Section 2 Westbrook Forest Subdivision as shown in Plat Book 18 at page 50, Alamance County Registry; thence running from said point of beginning N 52° 22' W 1084.44 ft. to an iron stake at or near the center line of the northeastern terminus of Brookview Drive and shown on the plat hereinbefore referred to, and corner with John Westmoreland heirs; thence with Westmoreland N. 19° 16' E. 565.54 ft. to a rock; thence again with Westmoreland N. 17° 48' 04" W. 729.96 ft. to an iron stake at a flint rock, corner with Westmoreland and Mary Cook; thence with Cook, S. 79° 40' 56" E. 1365.52 ft. to an iron stake; thence again with Cook, S. 5° 39' 54" W. 418.72 ft. to an iron stake, in a stump hole; thence again with Cook, S. 82° 42' 06" E. 263.16 ft. to an iron stake corner with Cook and Lot 11, Section 4-A, thence N. 23° 57' E. 506.60 ft. to an iron stake corner with lots 7 & 8, Section 4-A, thence N. 24° 18' E. 110 ft. to an iron stake corner with lots 6 & 7, thence N. 26° 27' E. 107.91 ft. to an iron stake corner with lot 5 & 6, thence N. 31° 01' 30" E. 106.08 ft. to an iron stake corner with lot 4 & 5, thence N. 35° 07' E. 106.05 ft. to an iron stake corner with lot 3 & 4, thence N. 35° 24' E. 442.95 ft. to the point of beginning; and containing 42.04 acres more or less. This description was obtained from a survey by Alley, Williams, Carmen & King, Engineers and Architects, dated October 4, 1977, and revised August 27, 1979."

Sec. 2. This act shall become effective December 31, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1672

CHAPTER 1394

AN ACT TO APPROPRIATE FUNDS FOR THE AIR NATIONAL GUARD PROGRAMS AND FACILITIES AT CHARLOTTE AND BADIN.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of nine thousand nine hundred twenty-nine dollars (\$9,929) for fiscal year 1982-83 to provide minimally adequate custodial and maintenance staff support for the Air National Guard programs and facilities at Charlotte and Badin, North Carolina, subject to the availability of funds.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1137

CHAPTER 1395

AN ACT REGARDING REGULATION OF THE PURCHASE OF HANDGUNS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-404 is amended by deleting the present language and substituting the following:

"Upon application, the sheriff shall issue such license or permit to a resident of that county unless the purpose of the permit is for collecting, in which case a sheriff can issue a permit to a nonresident when the sheriff shall have fully satisfied himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation desires the possession of the weapon mentioned for (1) the protection of the home, business, or property, (2) target shooting, (3) collecting, or (4) hunting. If said sheriff shall not be so fully satisfied, he may, for good cause shown, decline to issue said license or permit and shall provide to said applicant within seven days of such refusal a written statement of the reason(s) for such refusal. An appeal from such refusal shall lie by way of petition to the chief judge of the district court for the district in which the application was filed. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal, and shall be final. A permit may not be issued to the following persons: (1) one who is under an indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade), except that if a person has been convicted and later pardoned, he may obtain a permit; (2) one who is a fugitive from justice; (3) one who is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. § 802); (4) one who has been adjudicated incompetent on the ground of mental illness or has been committed to any mental institution. Provided, that nothing in this Article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms and state that the purpose for the purchase of the firearms is directly related to the law officers' official duties. The sheriff shall charge for his services upon issuing such license or permit a fee of five dollars (\$5.00). Each applicant for any such license or permit shall be informed by said sheriff within 30 days of the date of such application whether such license or permit will be granted or denied and, if granted, such license or permit shall be immediately issued to said applicant."

Sec. 2. G.S. 14-409.3 is amended by deleting the present language and substituting the following:

"Upon application, the Clerk of the Superior Court shall issue such license or permit to a resident of that county, unless the purpose of the permit is for collecting, in which case a clerk can issue a permit to a nonresident, when the clerk shall have fully satisfied himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation desires the possession of the weapon mentioned for (1) the protection of the home, business, or property, (2) target shooting, (3) collecting, or (4) hunting. If said Clerk of the Superior Court shall not be so fully satisfied, he may, for good cause shown, decline to issue said license or permit and shall

provide to said applicant within seven days of such refusal a written statement of the reason(s) for such refusal. An appeal from such refusal shall lie by way of petition to the chief judge of the district court for the district in which the application was filed. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the Clerk of the Superior Court's refusal, and shall be final. A permit may not be issued to the following persons: (1) one who is under an indictment or information for or has been convicted in any state, or in any court of the United States, of a felony (other than an offense pertaining to antitrust violations, unfair trade practices, or restraints of trade), except that if a person has been convicted and later pardoned, he may obtain a permit; (2) one who is a fugitive from justice; (3) one who is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug (as defined in 21 U.S.C. § 802); (4) one who has been adjudicated incompetent on the ground of mental illness or has been committed to any mental institution. Provided, that nothing in this Article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms and state that the purpose for the purchase of the firearms is directly related to the law officers' official duties. The clerk of the Superior Court shall charge for his services upon issuing such license or permit a fee of five dollars (\$5.00). Each applicant for any such license or permit shall be informed by said Clerk of the Superior Court within 30 days of the date of such application whether such license or permit will be granted or denied and, if granted, such license or permit shall be immediately issued to said applicant."

Sec. 3. G.S. 14-403 is amended by deleting the language following the colon and substituting the following:

"North Carolina, _____ County. I, _____, Sheriff of
said County, do hereby certify that _____ whose place of
residence is _____ in _____ (or) in _____ Township
_____ County, North Carolina, having this day satisfied
me
as to his, her (or) their good moral character, a license of
permit is therefore hereby given said _____ to purchase on
(1) pistol from any person, firm or corporation authorized to
dispose of the same. This _____ day of _____, 19____

Sheriff."

Sec. 4. G.S. 14-409.2 is amended by deleting the language following the colon and substituting the following:

"North Carolina, _____ County. I, _____, Clerk of
the Superior Court of said County, do hereby certify that _____
whose place of residence is _____ in _____ (or) _____
_____ Township, _____ County, North Carolina, having this day
satisfied me as to his, her (or) their good moral character,
license or permit is therefore hereby given said _____ to
purchase one (1) pistol from any person, firm or corporation
authorized to dispose of the same. This _____ day of _____, 19____

Clerk of the Superior Court."

Sec. 5. Chapter 477, Session Laws of 1975 is repealed.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1274 CHAPTER 1396

AN ACT TO REPEAL MEMBERSHIP ENTRY AGE RESTRICTIONS AND ALLOW THE PURCHASE OF PAST SERVICE CREDITS WHEN EXCLUDED ON ACCOUNT OF AGE, TO CHANGE THE TREATMENT OF REEMPLOYED RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-24(3a) and G.S. 135-3(6) are repealed.

Sec. 2. G.S. 128-24(5)c and G.S. 135-3(8)c are rewritten to read:

"c. Should a beneficiary who retired on an early or service retirement allowance be restored to service for a period of time exceeding six calendar months, his retirement allowance shall cease, he shall again become a member of the Retirement System and he shall contribute thereafter at the uniform contribution rate payable by all members. Upon his subsequent retirement, he shall be entitled to the allowance described in 1. below increased by the amount in 2. below.

1. The allowance to which he would be entitled had he not been restored to service with cessation of retirement allowance.
2. The allowance to which he would be entitled on account of his service after restoration to service and membership calculated on the basis of such service; provided for the sole purpose of determining retirement eligibility, that his creditable service shall be taken as the sum of his creditable service prior to and subsequent to his restoration to service."

Should a beneficiary who retired on an early or service retirement allowance be employed by an employer on a contractual or fee basis for a period of time exceeding six calendar months, his retirement allowance shall cease. His retirement allowance shall be restored prospectively beginning the first of the month following the month he is no longer so employed.

Sec. 3. G.S. 128-26(e) is amended by adding a new paragraph to the end to read:

"Notwithstanding any other provision of this Chapter, any member who entered service or was restored to service prior to July 1, 1982, and was excluded from membership service solely on account of having attained the age of 62 years, in accordance with former G.S. 128-24(3a), may purchase membership service credits for such excluded service by making a lump-sum payment equal to the contributions that would have been deducted pursuant to G.S. 128-30(b) had he been a member of the Retirement System, increased by interest calculated at a rate of seven percent (7%) per annum."

Sec. 4. G.S. 135-4 is amended by adding a new subsection (q) to the end to read:

"(q) Notwithstanding any other provision of this Chapter, any member who entered service or was restored to service prior to July 1, 1982, and was excluded from membership service solely on account of having attained the age of 62 years, in accordance with former G.S. 135-3(6), may purchase membership

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service credits for such excluded service by making a lump-sum payment equal to the contributions that would have been deducted pursuant to G.S. 135-8(b) had he been a member of the Retirement System, increased by interest calculated at a rate of seven percent (7%) per annum."

Sec. 5. The Boards of Trustees of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System are empowered and directed to adjust the employers' rates of contribution to the level necessary to fund the provisions of this act.

Sec. 6. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1639 CHAPTER 1397

AN ACT TO APPROPRIATE FUNDS TO INCREASE THE PHARMACY DISPENSING FEE.

The General Assembly of North Carolina enacts:

Section 1. Section 16(1) of Chapter 1282, Session Laws of 1981, is amended by deleting the words, "\$2.80 professional service fee", and inserting in lieu thereof "\$3.00 professional service fee". This act does not obligate the General Assembly to appropriate any additional funds.

Sec. 2. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1669 CHAPTER 1398

AN ACT TO ESTABLISH A PROGRAM OF HOSPITAL AND MEDICAL CARE BENEFITS FOR TEACHERS AND STATE EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-32, G.S. 135-33, G.S. 135-33.1, G.S. 135-35, and G.S. 135-36 are repealed effective October 1, 1982, but such repeal does not affect any existing contract.

Sec. 2. Section 13.16 of Chapter 859, Session Laws of 1981 is repealed, and G.S. 135-34 is reenacted as it appears in the 1981 Replacement Volume of Volume 3B of the General Statutes.

Sec. 3. G.S. 135-37 is amended in line 2 by adding after the word "Article" the words "or received from the Plan Administrator contracted with by the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan."

Sec. 4. G.S. 135-37 is further amended after the words "Attorney General" the words "or to the persons designated under G.S. 135-39.3" and by deleting the word "his" and inserting in lieu thereof the word "their".

Sec. 5. G.S. 135-38(c) is rewritten to read:

"The Committee shall recommend to the General Assembly programs for hospital, medical care and disability salary continuation benefits as provided in this Article. The Committee may consult with the Board of Trustees of the Retirement System concerning the Disability Salary Continuation Plan, and with the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan in connection with the Comprehensive

Major Medical Plan, and those two Boards, and their directors, staff, and contractors shall provide the Committee with any information or assistance requested by the Committee in performing its duties under this Article.”

Sec. 6. Article 3 of Chapter 135 of the General Statutes is amended by designating G.S. 135-32 through G.S. 135-38 as Part 1 and adding the following new Parts:

“PART 2. Administrative Structure.

“§ 135-39. *Board of Trustees established.*—(a) There is established within the office of State Budget and Management the Board of Trustees of the Teachers’ and State Employees’ Comprehensive Major Medical Plan.

(a1) The Board of Trustees of the Teachers’ and State Employees’ Comprehensive Major Medical Plan shall consist of nine members.

(b) Three members shall be appointed by the Governor.

Of the initial members, one shall serve a term to expire June 30, 1983, and two shall serve terms to expire June 30, 1984. Subsequent terms shall be for two years. Vacancies shall be filled by the Governor.

(c) Three members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. Of the initial members, two shall serve terms expiring June 30, 1983, and one shall serve a term expiring June 30, 1984. Vacancies shall be filled in accordance with G.S. 120-122.

(d) Three members shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121. Of the initial members, two shall serve terms expiring June 30, 1983, and one shall serve a term expiring June 30, 1984. Vacancies shall be filled in accordance with G.S. 120-122.

(d1) In case the General Assembly fails to make appointments under subsections (c) or (d) of this section prior to sine die adjournment of the 1981 General Assembly, the Governor may fill the vacancy or vacancies in accordance with G.S. 120-122 as if the vacancy had occurred while the General Assembly was not in session, provided that the terms of those appointees shall expire on April 1, 1983.

(e) The Governor shall have the power to remove any member appointed by him under subsection (b). The General Assembly may remove any member appointed under subsections (c) or (d).

(f) The members of the Board of Trustees shall receive a salary of two hundred dollars (\$200.00) per day when the Board of Trustees meets or when holding a hearing under G.S. 135-39.7, and travel allowances under G.S. 138-6 when traveling to and from meetings of the Board of Trustees or hearings under G.S. 135-39.7, but shall not receive any subsistence allowance or per diem under G.S. 138-5.

(g) No State employee, member of the General Assembly, State officer, or anyone who is receiving benefits under the Plan or who is eligible to receive benefits under the Plan or who provides services, equipment or supplies under the Plan shall be eligible for membership on the Board of Trustees.

(h) No member of the Commission may serve more than three consecutive two-year terms.

“§ 135-39.1. *Auditing of the Plan.*—The State Auditor shall annually audit the Plan Administrator and the Board of Trustees of the Teachers’ and State

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Employees' Comprehensive Major Medical Plan, including the two special funds established under G.S. 135-39.6.

"§ 135-39.2. *Officers, quorum, meetings.*—(a) The Board of Trustees shall elect from its own membership for a one-year term a chairman and vice-chairman, and shall elect a secretary.

(b) Six members of the Board of Trustees in office shall constitute a quorum. Decisions of the Board of Trustees shall be made by a majority vote of the Trustees present, except as otherwise provided in this Part.

(c) The Board of Trustees shall meet initially upon the call of the Governor. Meetings may be called by the Chairman, or at the written request of three members.

"§ 135-39.3. *Oversight team.*—(a) The Legislative Services Officer shall designate two employees of the Fiscal Research Division, and the Director of the Budget shall designate two employees of the Office of State Budget and Management as an oversight team, to monitor the Board of Trustees, the Plan Administrator, and the Comprehensive Major Medical Plan.

(b) The oversight team shall, jointly or individually, have access to all records of the Board of Trustees, the Plan Administrator, and the Comprehensive Major Medical Plan. They shall, jointly or individually, be entitled to attend all meetings of the Board of Trustees.

(c) The oversight team shall report to the Committee on Employee Hospital and Medical Benefits when requested by the Committee.

"§ 135-39.4. *Selection of Plan Administrator.*—(a) The General Assembly requests, authorizes and directs the State Budget Officer to select the lowest responsible bidder on a per transaction basis from the proposals submitted April 8, 1982, to the Division of Purchase and Contract, North Carolina Department of Administration and opened April 14, 1982, in response to Request for Proposals #2-V04-01, as the Plan Administrator to administer the Comprehensive Major Medical Plan described in Part 3 of this Article for the period October 1, 1982, through September 30, 1986, on an Administrative Services only basis. Upon ratification of this act, the State Budget Officer may authorize the Plan Administrator selected pursuant to this paragraph to begin preparatory work.

(b) The Board of Trustees shall contract with the Plan Administrator under the Terms and Conditions of the Request for Proposals dated February 15, 1982, by the Department of Administration, Division of Purchase and Contract, as amended or clarified by Addendum Number 1 of March 2, 1982; Addendum Number 2 of March 4, 1982; and Addendum Number 3 of March 15, 1982, as long as the Plan Administrator contracts as proposed in the offer in response to the request for proposal.

(c) Modifications from the request for proposal and the offer made in response may be made by the Board of Trustees, but such modification may not change any of the provisions of the Comprehensive Major Medical Plan provided in Part 3 of this Article except to correct a typographical error, or except as provided in subsection (e). No modification may be made without prior consultation with the Committee on Employee Hospital and Medical Benefits.

(d) Notwithstanding the provisions of Part 3 of this Article, the Board of Trustees shall negotiate cost-containment measures with the Plan Administrator, which, in case of conflict with Part 3, shall prevail.

(e) If the Board of Trustees determines that the annualized cost of the plan will exceed the amount budgeted, it may, after consultation with the Committee on Employee Hospital and Medical Benefits and after receiving the advice of the Committee, modify the benefits under Part 3 of this Article to reduce the costs to that level.

“§ 135-39.5. *Powers and duties of the Board of Trustees.*—The Board of Trustees of the Teachers’ and State Employees’ Comprehensive Major Medical Plan shall have the following powers and duties:

- (1) Supervising and monitoring of the Plan Administrator.
- (2) Providing for enrollment of employees in the Plan.
- (3) Communicating with employees enrolled under the Plan.
- (4) Communicating with health care providers providing services under the Plan.
- (5) Making payments at appropriate intervals to the Plan Administrator for benefit costs and administrative costs.
- (6) Conducting administrative reviews under G.S. 135-39.7.
- (7) Annually assessing the performance of the Plan Administrator.
- (8) Preparing and submitting to the Governor and the General Assembly cost estimates for the health benefits plan.
- (9) Recommending to the Governor and the General Assembly changes or additions to the health benefits program and health care cost containment programs.
- (10) Working with State employee groups to improve health benefit programs.
- (11) Employing such clerical, professional staff, and other such assistance as may be necessary to assist the Board of Trustees in carrying out its duties and responsibilities under this Article provided that all such action under this subdivision must have the approval of the State Budget Officer after consultation with the Committee on Employee Hospital and Medical Benefits.
- (12) Determining basis of payments to health care providers.
- (13) Requiring bonding of the Plan Administrator in the handling of State funds.
- (14) Establishing advisory councils of beneficiaries and providers.
- (15) In case of termination of the contract under G.S. 135-39.5A, or failure to contract under G.S. 135-39.4(b), to select a new Plan Administrator, after competitive bidding procedures approved by the Department of Administration.

“§ 135-39.5A. *Termination.*—The Board of Trustees may terminate the contract with the Plan Administrator as provided in the request for proposal.

“§ 135-39.5B. *Pre-Paid Plan.*—The Board of Trustees may, after consultation with the Committee on Employee Hospital and Medical Benefits, provide for an optional pre-paid hospital and medical benefits plan, but the amount of State funds shall be the same as for each person eligible on a noncontributory basis, with the person paying any excess, if necessary.

“§ 135-39.6. *Special funds created.*—(a) There are hereby established two special funds, to be known as the Public Employee Health Benefit Fund and the Health Benefit Reserve Fund.

All premiums, fees, charges, rebates, refunds or any other receipts including, but not limited to, earnings on investments, occurring or arising in connection with health benefits programs established by this Article, shall be deposited

into the Public Employee Health Benefit Fund. Disbursements from the Fund shall include any and all amounts required to pay the benefits and the administrative costs of such programs and the administrative costs of the investment programs established herewith in accordance with G.S. 147-69.2 and 69.3.

Any unencumbered balance in excess of prepaid premiums or charges in the Public Employee Health Benefit Fund at the end of each fiscal year shall be used first, to provide an actuarially determined Health Benefit Reserve Fund for incurred but unpresented claims, second, to reduce the premiums required in providing the benefits of the health benefits programs, and third to improve the Plan, as may be provided by the General Assembly. The balance in the Health Benefits Reserve Fund may be transferred from time to time to the Public Employee Health Benefit Fund to provide for any deficiency occurring therein.

The Public Employee Health Benefit Fund and the Health Benefit Reserve Fund shall be deposited with the State Treasurer and invested as provided in G.S. 147-69.2 and 69.3.

(b) Disbursements from the Public Employee Health Benefit Fund may be made by warrant drawn on the State Treasurer by the Commission, or the Commission may by contract authorize the Plan Administrator to draw the warrant.

"§ 135-39.6A. *Premiums set.*—The Board of Trustees shall, from time to time, establish Premium Rates for the Comprehensive Major Medical Plan, and establish regulations for payment of the premiums.

"§ 135-39.7. *Administrative review.*—If, after exhaustion of internal appeal handling as outlined in the contract with the Plan Administrator any person is aggrieved, the Plan Administrator shall bring the matter to the attention of the Board of Trustees, which may make a binding decision on the matter in accordance with procedures established by the Board of Trustees.

"§ 135-39.8. *Rules and regulations.*—The Board of Trustees may issue rules and regulations to implement Parts 2 and 3 of this Article.

"§ 135-39.9. *Reports to the General Assembly.*—(a) The Board of Trustees shall report to the General Assembly at such times and in such forms as shall be provided by the Committee on Employee Hospital and Medical Benefits.

(b) The Board of Trustees shall report to the Committee on Employee Hospital and Medical Benefits no later than April 1, 1983 on the status of the Plan as of February 28, 1983.

(c) The Board of Trustees shall continually monitor expenditures under the Plan, and at any time it estimates that expenditures on an annualized basis will exceed one hundred twenty million dollars (\$120,000,000) it shall report that fact to the Committee on Employee Hospital and Medical Benefits."

"PART 3. Comprehensive Major Medical Plan.

"§ 135-40. *Undertaking.*—(a) The State of North Carolina undertakes to make available a Comprehensive Major Medical Plan (hereinafter called the 'Plan') to employees, retired employees and certain of their dependents which will pay benefits in accordance with the terms hereof.

(b) The Plan benefits will be provided under contracts between the State and the Plan Administrator selected by the State. Plan Administrator refers to the administrator, third party administrator or other party contracting with the State to administer the Plan benefits. Such contracts shall include the substance of G.S. 135-40.1 through G.S. 135-40.13 and Parts I through K of the

description of Plan in the request for proposal, and shall be administered by the respective Plan Administrator of the State which will determine benefits and other questions arising thereunder. The contracts necessarily will conform to applicable State laws. If any of the provisions of G.S. 135-40.1 through G.S. 135-40.13 and Parts I through K must be modified for inclusion in the contract because of State laws, such modification will be made.

(c) Payroll deduction shall be available for coverage under this Part of amounts not paid by the State.

“§ 135-40.1. *General definitions.*—As used in Parts 2 and 3 of this Article, the following terms have the meanings specified as follows:

(1) ‘Employee’ - Any permanent full-time or permanent part-time regular employee (designated as half-time or more) of an employing unit.

(2) ‘Retired Employee’ - Retired teachers and State employees who are receiving monthly retirement benefits from any retirement system supported in whole or in part by contribution of the State of North Carolina, so long as the retiree is enrolled.

(3) ‘Dependent Child’ - A natural, legally adopted, or foster child of the employee and/or spouse, unmarried, up to the first of the month following his or her 19th birthday, whether or not the child is living with the employee, as long as the employee is legally responsible for such child’s maintenance and support.

A foster child is covered (1) if living in a regular parent-child relationship with the expectation that the employee will continue to rear the child into adulthood, (2) if at the time of enrollment, or at the time a foster child relationship is established, whichever occurs first, the employee applies for coverage for such child and submits evidence of a bona fide foster child relationship, identifying the foster child by name and setting forth all relevant aspects of the relationship, (3) if the Plan Administrator accepts the foster child as a participant through a separate written document identifying the foster child by name and specifically recognizing the foster child relationship, and (4) if at the time a claim is incurred, the foster child relationship, as identified by the employee, continues to exist. Children placed in a home by a welfare agency which obtains control of, and provides for maintenance of, the child(ren), are not eligible participants.

Coverage may be extended beyond the 19th birthday under the following conditions:

- a. If the dependent is a full-time student who is pursuing a course of study that represents at least the normal workload of a full-time student at a school or college accredited by the state of jurisdiction.
 - b. The dependent is physically or mentally incapacitated to the extent that he or she is incapable of earning a living.
- (4) ‘Hospital’ - An institution which meets fully all the following criteria:
- a. A general medical and surgical hospital, including eye, ear, nose and throat, maternity, pediatric, tuberculosis, or mental hospital, licensed as such by the applicable State agency.
 - b. It is primarily engaged in providing—for compensation from its patients and on an inpatient basis—diagnostic and therapeutic facilities for the surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of a staff of physicians;

- c. It continuously provides 24-hour-a-day nursing service by registered graduate nurses; and
- d. It is not, other than incidentally, a place for rest, a place for the aged, a place for drug addicts, a place for alcoholics, a nursing home, a hotel, or the like. Hospitals classified and accredited as psychiatric hospitals by the Joint Commission on Accreditation of Hospitals will be deemed to be hospitals for the purpose of this Plan.

(5) 'Doctor' - A doctor of medicine, a doctor of osteopathy licensed to practice medicine or surgery by the Board of Medical Examiners of the state in which he or she practices, a doctor of dentistry, a doctor of podiatry or surgical chiropody, a doctor of optometry, a doctor of chiropractic, or a doctor of psychology who is licensed or certified in the State and has a doctorate practice degree in psychology and at least two years' clinical experience in a recognized health setting or has met the standards of the National Register of Health Services provided in psychology, each of whom is licensed to practice by the state in which he or she performs any service covered by this Plan, and who regularly charges and collects fees in his or her own right.

(6) 'Pregnancy' - Shall include resulting childbirth, miscarriage or abortion.

(7) 'Usual, Customary and Reasonable' - The meaning of the term 'UCR' shall be developed from criteria used for determining reasonable charges for services, including usual preoperative examination and customary postoperative care and care of usual complications, and shall be based on the usual charge made by an individual doctor for his or her private patients for a particular service, or the customary charge within the range of usual fees charged by most doctors of similar skill and training in North Carolina for a comparable service, whichever is the lower. A fee is reasonable if it meets the above two criteria. In cases of unusual complexity and cases involving supplemental skills of two or more doctors, reasonable charges will be determined by the Plan Administrator upon advice of its medical advisors.

(8) 'Employing Unit' - A North Carolina School System; Technical Institute; Community College; State Department, Agency or Institution; Administrative Office of the Courts; or Association or Examining Board whose employees are eligible for membership in the Teachers' and State Employees' Retirement System.

(9) 'Health Benefits Representative' - The employee designated by the Employing Unit to administer the Comprehensive Major Medical Plan for the Unit and its employees. The HBR is responsible for enrolling new employees, reporting changes, explaining benefits, reconciling group statements and remitting group fees.

(10) 'Skilled Nursing Facility' - An institution licensed under applicable State laws and primarily engaged in providing to inpatients, under the supervision of a doctor and a registered professional nurse, skilled nursing care and related services on a 24-hour basis, and rehabilitative services.

(11) 'Covered Services' - Any necessary, reasonable, and customary items of service, at least a portion of the expense of which is covered under at least one of the plans covering the person for whom claim is made or service provided. To the extent legally possible, it shall be synonymous with allowable expenses.

(12) 'Deductible' - Deductible shall mean an amount of covered expenses during a calendar year which must be incurred after which benefits (subject to the deductible) become payable. The deductible for an employee, retired

employee and/or his or her dependents shall be one hundred dollars (\$100.00) for each calendar year.

Covered expenses incurred during the last three months of a calendar year and used toward satisfying the deductible in that calendar year may be reused toward satisfying the deductible for the next calendar year.

The deductible applies separately to each covered individual in each calendar year, except that a maximum of three such deductibles shall apply to each family (employee or retiree and his or her covered dependents) in any calendar year.

If two or more family members are injured in the same accident only one deductible is required for charges related to that accident during the benefit period.

(13) 'Medicare' - The Health Insurance For The Aged and Disabled Program under Title XVIII of the Social Security Act as such Act was amended by the Social Security Amendments of 1965 (Public Law 89-97), as such program is currently constituted and as it may be later amended.

(14) 'Preexisting condition' - A condition, disease, illness or injury which existed or had its beginning to any degree, whether diagnosed or not, prior to the effective date of coverage.

(15) 'Predecessor Plan' - The Hospital and Medical Benefits for the Teachers' and State Employees' Retirement System of the State of North Carolina.

(16) 'Enrollment' - New employees enroll themselves and their dependents when first eligible. Coverage may become effective on the first day of the month following date of entry on payroll or on the first day of the following month.

(17) 'Home Health Care Coverage' - Coverage for home care and treatment established and approved in writing by a physician who certifies that continual hospital confinement would be required without the care and treatment specified by this coverage.

(18) 'Home Health Care Agency' - An agency which is constituted, licensed and operated in accordance with the laws pertaining to agencies providing home health care.

(19) 'Home Health Aide' - An individual who provides medical or therapeutic care and who reports to and is under the direct supervision of a Home Health Care Agency.

"§ 135-40.2. *Eligibility.*—(a) The following persons are eligible for coverage under the Plan, on a noncontributory basis, subject to the provisions of G.S. 135-40.3:

(1) All permanent full-time employees of an employing unit who meet the following conditions:

- a. Paid from general or special State funds, or
- b. Paid from non-State funds and in a group for which his or her employing unit has agreed to provide coverage.

(2) Retired teachers and State employees.

(3) Surviving spouses of deceased retirees and surviving spouses (of deceased teachers and State employees), receiving a survivor's alternate benefit under G.S. 135-5(m).

(b) The following persons shall be eligible for coverage under the Plan, in a fully contributory basis, subject to the provisions of G.S. 135-40.3:

(1) Members of the General Assembly.

- (2) Former members of the General Assembly.
 - (3) Surviving spouses of deceased former members of the General Assembly.
 - (4) All permanent part-time employees (designated as half-time or more) of an employing unit who meet the conditions outlined in subdivision (a)(1)a. above.
 - (5) The spouses and eligible dependents of enrolled employees, retirees and enrolled members and enrolled surviving spouses, as outlined in subdivisions (a)(1) through (a)(3) above.
- (c) No person shall be eligible for coverage as an employee or retired employee and as a dependent of an employee or retired employee at the same time. In addition, no person shall be eligible for coverage as a dependent of more than one (1) employee or retired employee at the same time.
- (d) Former employees who are receiving Disability Retirement Benefits shall be eligible for the benefit provisions of this Plan, as set forth in this Part, on the same basis as a retired employee. Such coverage shall terminate as of the end of the month in which such former employee is no longer eligible for Disability Retirement Benefits.
- (e) Employees on official leave of absence without pay may elect to continue this group coverage at group cost provided that they pay the full employee and employer contribution through the employing unit during the leave period.
- “§ 135-40.3. *Effective dates of coverage.*—(a) Employees and Retired Employees.
- (1) Employees and retired employees covered under the Predecessor Plan will continue to be covered, subject to the terms hereof.
 - (2) New employees may apply for coverage to be effective on the first day of the month following employment, or on a like date the following month if the employee has enrolled.
 - (3) Late entrants, employees not enrolling or not adding dependents when first eligible may enroll later on the first of any following month but will be subject to a 12-month waiting period for preexisting health conditions.
- (b) *Waiting Periods and Preexisting Conditions.* New employees and dependents enrolling when first eligible:
- (1) Comprehensive Medical Coverage - no waiting periods for preexisting conditions.
 - (2) Employees not enrolling or not adding dependents when first eligible may enroll later on the first of any following month, but will be subject to the following:
 - (3) Comprehensive Medical Coverage - 12-month waiting period for preexisting conditions.
- (c) *Dependents of Employees and Retired Employees.*
- (1) Dependents of employees and retired employees who have family coverage under the Predecessor Plan will continue to be covered subject to the terms hereof.
 - (2) Employees who have dependents may apply for family coverage at the time they enroll as provided in subdivisions (a)(2) and (a)(3) and such dependents will be covered under the Plan beginning the same date as such employees.

- (3) Employees and retired employees may change from individual to family coverage upon written application at any time after acquiring a dependent, and such dependent will be covered under the Plan beginning the first of the next calendar month following receipt of such application by the Plan Administrator.
 - (4) Employees who wish to change from family coverage to individual coverage shall give written notice to the Plan Administrator within 31 days after any change in the status of dependents, (resulting from death, divorce, etc.) which requires a change from family coverage to individual coverage.
 - (5) Employees not adding dependents when first eligible may enroll later on the first of any following month, but dependents will be subject to a 12-month waiting period for preexisting health conditions.
- (d) Types of Coverage Available. There are five types of coverage which an employee or retiree may elect.
- (1) Employee Only - Covers enrolled employees only. Maternity benefits are provided to employee only.
 - (2) Employee and Child(ren) - Covers enrolled employee and all eligible dependent children. Maternity benefits are provided to the employee only.
 - (3) Employee and Family - Covers employee and spouse, and all eligible dependent children. Maternity benefits are provided to employee or enrolled spouse.
 - (4) Split Coverage-Wife - Covers female State employee whose husband is also employed by the State, and who enrolls in (5). Maternity benefits provided.
 - (5) Split Coverage-Husband - Covers male State employee whose wife is also employed by the State, and who enrolls in (4). (Also covers dependent children).

“§ 135-40.4. *Benefits in general.*—In the event a covered person, as a result of accidental bodily injury, disease or pregnancy, incurs covered expenses, the Plan will pay benefits up to the amounts described in G.S. 135-40.5 through G.S. 135-40.9.

The Plan is divided into two parts. The first part includes certain benefits which are not subject to a deductible or coinsurance. The second part is a comprehensive Plan and includes those benefits which are subject to both a one hundred dollar (\$100.00) deductible for each covered individual to a maximum of three deductibles per family and coinsurance of 95%/5%. There is a limit on out-of-pocket expenses under the second part.

“§ 135-40.5. *Benefits not subject to deductible or coinsurance.*—(a) Accidental Injury. The Plan pays one hundred percent (100%) of services rendered in outpatient department of a hospital, in a doctor's office, in an ambulatory surgical facility or elsewhere and one hundred percent (100%) of reasonable and customary charges for doctor's services rendered in any of the above when such services are rendered within 30 days of the actual occurrence of injury and provided treatment is initiated within five days of injury occurrence. Dental services are excluded except as specifically included in G.S. 135-40.6(e)(3). This benefit is subject to a three hundred dollar (\$300.00) annual maximum per covered individual. Benefits in excess of three hundred dollars (\$300.00) are covered under the comprehensive part of the Plan.

(b) Ambulatory (Outpatient) Surgery. The Plan will pay one hundred percent (100%) of reasonable and customary charges for facility and surgeon's charges for surgery performed in an ambulatory surgical facility. Medical supplies, drugs, laboratory and other ancillary services and physicians' services will be covered under the comprehensive section of the Plan.

(c) Preadmission testing. The Plan will pay one hundred percent (100%) of reasonable and customary charges for diagnostic, laboratory and x-ray examinations performed on an outpatient basis.

(d) Second Surgical Opinions. The Plan will pay one hundred percent (100%) of reasonable and customary charges for one presurgical consultation by a second surgeon regarding the performance of nonemergency surgery. The Plan will also pay one hundred percent (100%) of the reasonable and customary charges for diagnostic, laboratory and x-ray examinations required by the second surgeon.

"§ 135-40.6. *Benefits subject to deductible and coinsurance (comprehensive benefits).*—The following benefits are subject to a deductible of one hundred dollars (\$100.00) per covered individual to a maximum of three per family and are payable on the basis of ninety-five percent (95%) by the Plan and five percent (5%) by the covered individual up to a maximum of one hundred dollars (\$100.00) out-of-pocket per calendar year:

(a) In-hospital benefits. The Plan pays in-hospital benefits for each single confinement, when charged by a hospital, for room accommodation, including bed, board and general nursing care, but not to exceed the charge for semiprivate room or ward accommodations.

Successive admissions: While the covered individual is continuously covered under this Plan, shall be considered a single confinement for this purpose, if discharge and readmission to the same or any other hospital or skilled nursing facility shall occur within 90 days, whether or not benefits are paid for such admissions.

The Plan will pay the following covered charges, when charged by a hospital, for each confinement.

- (1) Intensive and cardiac nursing care.
- (2) All recognized drugs and medicines for use in the hospital.
- (3) Radiation services, including diagnostic x-rays, x-ray therapy, radiation therapy and treatment.
- (4) Clinical and pathological laboratory examinations.
- (5) Electrocardiograms and electroencephalograms.
- (6) Physical therapy.
- (7) Intravenous solutions.
- (8) Oxygen and oxygen therapy, plus the use of equipment.
- (9) Dressings, ordinary splints, plaster casts and sterile supplies.
- (10) Use of operating, delivery, recovery and treatment rooms and equipment.
- (11) Routine nursery charges, if the mother is eligible to receive maternity benefits.
- (12) Anesthetics and the administration thereof by the hospital's employee anesthesiologist.
- (13) Devices or appliances surgically inserted within the body.
- (14) Processing and administering of blood and blood plasma, but not including the supplying of blood or plasma.

- (15) Children who are born under the coverage type (2), (3), or (5), as outlined in G.S. 135-40.3(d), and who remain continuously covered are entitled to benefits for treatment of illnesses or congenital defect, incubation or isolette care, and treatment of prematurity or postmaturity.

If the mother is a covered individual, benefits are provided for the newborn's circumcision and routine nursery care.

- (16) When a covered individual is admitted to or transferred to a section of a hospital providing ambulant, convalescent, or rehabilitative care, benefits are provided up to the average number of days of service for treatment of the particular diagnosis or condition involved, or more if medical necessity requires.
- (17) The Plan pays benefits for laboratory testing and administration of blood provided to a covered individual. When a covered individual is the recipient of transplanted organs or bones, benefits are provided for services to the donor which are directly and specifically related to the transplantation.
- (18) Thirty days per calendar year are provided for inpatient treatment of mental illness, alcoholism and drug addiction, or any combination thereof. Readmission for any of these conditions within 365 days of last discharge shall be considered a single confinement. When furnished to a patient in a skilled nursing facility, 30 days less the days of care already provided for the same illness in a hospital are provided.
- (b) Limitations and exclusions to in-hospital benefits.
- (1) The services of physicians, surgeons and technicians not employed by or under contract to the hospital are not covered.
- (2) Any admission for diagnostic tests or procedures which could be, and generally are, performed on an outpatient basis, if no hospitalization would have been required except for such diagnostic services is not covered. However, benefits are provided at ninety-five percent (95%) of Plan benefits for diagnostic tests and procedures consistent with the symptoms or diagnosis for which admitted.
- (3) The Plan will not cover any admission to a hospital prior to the effective date of coverage or beginning prior to the expiration of any waiting period so long as the individual remains continuously in a hospital.
- (4) Hospitalization for custodial, domiciliary or sanitarium care, or rest cures, is not covered.
- (5) Hospitalization for dental care and treatment is not covered, except when a hospital setting is medically necessary.

(c) Skilled nursing facility benefits. The Plan will pay benefits in a skilled nursing facility which qualifies for delivery of benefits under Title XVIII of the Social Security Act (Medicare), as follows:

After discharge from a hospital for which inpatient hospital benefits were provided by this Plan for a period of not less than three days, and treatment consistent with the same illness or condition for which the covered individual was hospitalized, the daily charges will be paid for room and board in a semiprivate room or any multibed unit up to the maximum benefit specified in subsection (a) of this section, less the days of care already provided for the same illness in a hospital.

Credit will be allowed toward private room charges in an amount equal to the facility's most prevalent charge for semiprivate accommodations. Charges will also be paid for general nursing care and other services which would ordinarily be covered in a general hospital. In order to be eligible for these benefits, admission must occur within 14 days of discharge from the hospital.

In order to qualify for benefits provided by a skilled nursing facility, the following stipulations apply:

- (1) The services are medically required to be given on an inpatient basis because of the covered individual's need for skilled nursing care on a continuing basis for any of the conditions for which he or she was receiving inpatient hospital services prior to transfer from a hospital to the skilled nursing facility or for a condition requiring such services which arose after such transfer and while he or she was still in the facility for treatment of the condition or conditions for which he or she was receiving inpatient hospital services, and
- (2) Only on prior referral by and so long as, the patient remains under the active care of an attending doctor.

(d) Outpatient hospital benefits. The Plan pays for services rendered in the outpatient department of a hospital, in a doctor's office, in an ambulatory surgical facility, or elsewhere, as follows:

- (1) Accidental injury: When services are furnished within 30 days of the actual occurrence of injury and provided treatment is initiated within five days of injury occurrence. Dental services are excluded except for oral surgery specifically listed in subsection (e)(3) of this section. The first three hundred dollars (\$300.00) of these charges are covered under the first dollar part of the Plan.
- (2) All hospital services for nonaccident operative procedures.
- (3) All hospital services for radiation therapy, treatment by use of x-rays, radium, cobalt and other radioactive substances.
- (4) All hospital services in connection with pathological examinations of tissue removed by resection or biopsy. Routine Pap smears are not covered.
- (5) Charges for diagnostic x-rays, clinical laboratory tests, and other diagnostic tests and procedures such as electrocardiograms and electroencephalograms.

No benefits are provided for screening examinations and routine physical examinations to assess general health status in the absence of specific symptoms of active illness, routine office visits or for doctor's services for diagnostic procedures covered under Surgical Benefits.

(e) Surgical Benefits. The Plan pays the usual, customary and reasonable charges for covered surgical services as follows:

- (1) Surgery: Cutting procedures, treatment of fractures, transfusions, operative preparation for diagnostic x-ray examinations, surgical implantation of radiation sources, major endoscopic examinations, biopsies, surgical sterilization, other standard services and operations.
- (2) Anesthesia: Administration of general, spinal block or local anesthesia. Covered services include pre- and postoperative visits, the administration of the anesthetic, fluids and/or blood provided by the anesthesiologist and incidental to the anesthesia, and necessary drugs and materials provided by the anesthesiologist. No benefits are

provided for administration of local anesthesia or for anesthesia administered by the operating surgeon or surgical assistant(s).

- (3) Oral Surgery: Services which are within the scope of practice of both a doctor of medicine and a dentist, such as excision of tumors and lesions of the mouth, treatment of jaw fractures and surgery to correct injuries of the mouth structure other than teeth and their supporting structure.
- (4) Maternity Care: Independent operative procedures in connection with pregnancy, such as: manipulative obstetrical delivery, delivery by Caesarean section, removal of ectopic pregnancy, dilation and curettage. Benefits for manipulative obstetrical delivery include use of forceps and or episiotomy. No benefits are provided for antepartum or postpartum care, except for direct surgical procedures of delivery and surgical treatment.
- (5) Surgical Assistants: Services of an assistant surgeon when medical judgment requires the services of an assistant surgeon and no hospital-employed doctor in training is available.
- (6) Multiple Procedures: When multiple or bilateral surgical procedures are performed by the same doctor through separate incisions or approaches during the same session, the surgical benefits will be the greater UCR allowance, plus fifty percent (50%) of the lesser UCR allowance. Anesthesia benefits will be the greater UCR allowance. When multiple surgical procedures are performed by the same doctor through the same incision or operative approach, the surgical benefits are limited to the procedure which has the highest UCR allowance. When a surgical procedure is performed in two or more stages, the surgical benefit for the entire procedure is the same as it would be were the procedure performed in one stage (except where otherwise provided in the benefit schedule). This limitation does not apply to anesthesia benefits.
- (f) Limitations and Exclusions to Surgical Benefits.
 - (1) No benefits are provided for dental prostheses such as crowns, or dentures; orthodontic care; operative restoration of teeth (fillings); dental extractions (whether impacted or not impacted); apicoectomies; treatment of dental caries, gingivitis, or periodontal diseases by gingivectomies or other periodontal surgery; vestibuloplasties, alveoplasties, removal of exostosis and tori preparatory to fitting of dentures; correction of malocclusion by orthognathic surgery or other procedures by repositioning of bone tissue; removal of cysts incidental to apicoectomies or extraction of teeth.
 - (2) Cosmetic surgery or surgery solely for beautifying purposes is not covered, except for procedures related to injury sustained while the individual is continuously covered under the Plan.
 - (3) If a covered individual receives both medical and surgical treatment for the same condition, by the same doctor, either medical or surgical care may be paid, whichever is greater, but not both.
 - (4) When a covered individual is admitted for medical treatment and during the hospital admission is subsequently referred to another doctor for surgery, medical benefits are provided for hospital days prior to the date of referral.

- (5) If during hospital admission for necessary medical treatment, surgery is provided for a wholly distinct and unrelated condition, both medical and surgical benefits are payable, however, the same doctor may not be paid both medical and surgical benefits provided on the same day.
- (6) If during hospital admission for necessary medical treatment, a covered individual receives related surgical procedures such as paracentesis, biopsy, endoscopy, operative preparation for x-ray examination, or other diagnostic procedures for which benefits are applicable under the surgical benefits section of the Plan, both medical and surgical benefits are payable.
- (7) No benefits are provided for concurrent co-attending medical and surgical care by two or more doctors for the same condition other than as provided above.
- (8) No benefits will be payable for any surgical procedure specifically listed by the American Medical Association or the North Carolina Medical Association as having no medical value.

(g) Medical Benefits.

- (1) Services of Doctors. The Plan pays the usual, reasonable and customary charges for covered inpatient medical (nonsurgical) services. Services are covered if the individual is hospital confined and is eligible for hospitalization benefits as described in this section. Benefits are provided for exactly the same number of days as the individual is entitled to under this section, except that medical benefits are provided on both the day of admission and the day of discharge.

In the event a covered individual is treated by two or more co-attending doctors during the same hospital confinement for a medical (nonsurgical) condition, benefits are limited to payment for services provided by the primary attending doctor, except where need is established for supplementary skills for treatment of separate and distinct diagnoses or conditions.

Home, office, and skilled nursing facility visits including (i) charges for injected medications, (ii) inpatient care by attending medical doctors, radiologists, pathologists, and consultants during such time as hospital benefits are paid under any section of this Plan, (iii) care in the outpatient department of a hospital, and (iv) administration of shock therapy (drug or electric) including the services of anesthesiologists provided on an office or hospital outpatient basis for treatment of acute psychotic reaction or severe depression.

- (2) Consultations. Consultation services are provided when requested by the attending doctor and the consultation is necessary in conjunction with and directly related to care and treatment of the condition for which admitted. No benefits are provided for staff consultation required by hospital rules and regulations. When a covered individual is admitted for oral surgery, a single consultation allowance will be provided for medical examination and pre-anesthesia evaluation.
- (3) Newborn Care. When a child is eligible at birth, benefits are provided for treatment of illness, injury, prematurity, or congenital condition as a registered inpatient. When delivery is by Caesarean section, a single consultation allowance will be provided for standby, resuscitation, and

infant care in the operating room provided by a doctor other than the operating surgeon.

When a mother receives maternity benefits under the Plan for a child's delivery, benefits are provided for examination and supervision of a normal newborn infant.

- (4) Outpatient Psychiatric Care. The Plan will pay eighty percent (80%) UCR for outpatient psychiatric care, not to exceed 50 visits and two thousand two hundred dollars (\$2,200) per calendar year. This benefit is subject to the one hundred dollar (\$100.00) deductible. Payments made for this benefit are not eligible towards the maximum out-of-pocket expenditure.

(h) Other Covered Charges.

- (1) Prescription Drugs: Prescription legend drugs for use outside of a hospital or skilled nursing facility. A prescription legend drug is defined as an article the label of which, under the Federal Food, Drug, and Cosmetic Act, is required to bear the legend: 'Caution: Federal Law Prohibits Dispensing Without Prescription.' Such articles may not be sold to or purchased by the public without a prescription order. Benefits are provided for insulin even though prescription is not required.

- (2) Private Duty Nursing: Services of licensed nurses (not immediate relatives or members of the participant's household or private duty nursing used in lieu of or as a substitute for hospital staff nurses) ordered by the attending doctor for a condition requiring skilled nursing services.

- (3) Visiting Nurse Association or Home Health Agency Services: Services provided in a covered individual's home by an association, agency, or other organization.

- (4) Licensed Ambulance Service. Local ambulance transportation:

To or from a hospital for inpatient care or outpatient accident care;

From a hospital to the nearest facility able to provide needed services not available at the transferring hospital; or

From a hospital to a skilled nursing facility.

The word 'local' means ambulance transportation of not more than 50 miles unless the Administrator authorizes ambulance transportation beyond this distance.

- (5) Prosthetic and Orthopedic Appliances and Durable Medical Equipment: Appliances and equipment including corrective and supportive devices such as artificial limbs and eyes, wheelchairs, traction equipment, inhalation therapy and suction machines, hospital beds, braces, orthopedic corsets and trusses, and other prosthetic appliances or ambulatory apparatus which are provided solely for the use of the participant. Eligible charges include repair and replacement when medically necessary. Benefits will be provided on a rental or purchase basis at the sole discretion of the Administrator and agreements to rent or purchase shall be between the Administrator and the supplier of the appliance.

- (6) Dental Services: Dental surgery and appliances for mouth, jaw, and tooth restoration necessitated because of external violent and accidental means, such as the impact of moving body, vehicle collision, or fall occurring while an individual is covered under G.S. 135-40.3. No

benefits are provided in connection with injury incurred in the act of chewing, nor for damage or breakage of an appliance such as bridge or denture being cleaned or otherwise not in normal mouth usage at the time of accident.

Benefits shall include extractions, fillings, crowns, bridges, or other necessary therapeutic and restorative techniques and appliances to reasonably restore condition and function to that existing immediately prior to the accident. Injury or breakage of existing appliances such as bridges and dentures is limited to repair of such appliances unless certified as damaged beyond repair.

- (7) Medical Supplies: Colostomy bags, catheters, dressings, oxygen, syringes and needles, and other similar supplies.
 - (8) Blood: Transfusions including cost of blood, plasma, or blood plasma expanders.
 - (9) Physical Therapy: Recognized forms of physical therapy for restoration of bodily function, provided by a doctor, hospital, or by a licensed professional physiotherapist. No benefits are provided for eye exercises or visual training.
 - (10) Inhalation Therapy: When provided by a doctor, hospital, or other organization.
 - (11) Speech Therapy: Speech therapy provided by certified speech therapist. Benefits are provided only in connection with a condition, illness, or injury arising while continuously covered under this Plan.
- (i) Limitations and exclusions to other covered charges. No benefits are available under this section of the Plan until full utilization is made of similar benefits available under other sections of this Plan.

No benefits will be payable for:

- (1) Private duty nursing provided by an immediate relative or member of the covered individual's household; or private duty nursing used in lieu of or as a substitute for hospital staff nurses;
- (2) Dental care except as covered under subsection (b)(6) and other dental services covered by the Surgical Benefits section of this Plan, subsection (e)(3) of this section;
- (3) Foot care except in connection with services covered by the Surgical or Inpatient Medical Benefits section of this Plan, subsections (a) and (e) of this section;
- (4) Immunizations for prevention of contagious diseases;
- (5) Expenses incurred in the event a covered individual is a bed patient in a hospital, or skilled nursing facility on the effective date of coverage, so long as the covered individual remains so confined;
- (6) Eyeglasses (corrective lenses), hearing aids, braces for teeth, dental plates or bridges or other dental prostheses, air-conditioners, vaporizers, humidifiers, nebulizers, mattresses (other than as supplied with a hospital bed) and specially built shoes (other than attached to artificial limbs or orthopedic braces);
- (7) The difference between charges made by doctors and the UCR allowance for covered benefits, and the coinsurance expenses required under this Plan;
- (8) Habit forming drugs to support drug dependency;
- (9) Any other services not specifically outlined in this Plan.

“§ 135-40.7. *General limitations and exclusions.*—The following shall in no event be considered covered expenses nor will benefits described in G.S. 135-40.5 through G.S. 135-40.11 be payable for:

- (1) Charges for any services rendered to a person prior to the date coverage under this Plan becomes effective with respect to such person.
- (2) Charges for care in a nursing home, home for the aged, or convalescent home for custodial or domiciliary care or for rest cures.
- (3) Charges to the extent paid, or which the individual is entitled to have paid, or to obtain without cost, in accordance with any government laws or regulations except Medicare. If a charge is made to any such person which he or she is legally required to pay, any benefits under this Plan will be computed in accordance with its provisions, taking into account only such charge. ‘Any government’ includes the federal, State, provincial or local government, or any political subdivision thereof, of the United States, Canada or any other country.
- (4) Charges for services rendered in connection with any occupational injury or disease arising out of and in the course of employment with any employer, if (1) the employer furnishes, pays for or provides reimbursement for such charges, or (2) the employer makes a settlement payment for such charges, or (3) the person incurring such charges waives or fails to assert his or her rights respecting such charges.
- (5) Charges for any care, treatment, services or supplies other than those which are certified by a physician who is attending the individual as being required for the necessary treatment of the injury or disease.
- (6) Charges for any services rendered as a result of injury or sickness due to an act of war, declared or undeclared, which act shall have occurred after the effective date of a person’s coverage under the Plan.
- (7) Charges for personal services such as barber services, guest meals, radio and TV rentals, etc.
- (8) Charges for any services with respect to which there is no legal obligation to pay. For the purposes of this item, any charge which exceeds the charge that would have been made if a person were not covered under this Plan shall, to the extent of such excess, be treated as a charge for which there is no legal obligation to pay; and any charge made by any person for anything which is normally or customarily furnished by such person without payment from the recipient or user thereof shall also be treated as a charge for which there is no legal obligation to pay.
- (9) Charges during a continuous hospital confinement which commenced prior to the effective date of the person’s coverage under this Plan.
- (10) Charges in excess of either the usual, customary and reasonable charge for or the fair and reasonable value of the services or supply which gives rise to the expense; provided that in each instance the extent that a particular charge is usual, customary and reasonable or fair and reasonable shall be measured and determined by comparing the charge with charges made for similar things to individuals of similar age, sex, income and medical condition in the locality concerned, and the result of such determination shall constitute the maximum allowable as Covered Medical Expenses unless the Plan Administrator finds that considerations of fairness and equity in a particular set of circumstances

require that greater or lesser charges be considered as Covered Medical Expenses in that set of circumstances.

- (11) Charges for or in connection with any dental work or dental treatment except to the extent that such work or treatment is specifically provided for under the Plan. Excluded is payment for surgical benefits for tooth replacement, such as crowns, bridges or dentures; orthodontic care; filling of teeth; extraction of teeth (whether or not impacted); root canal therapy; removal of root tips from teeth; treatment for tooth decay, inflammation of gingiva, or surgical procedures on diseased gingiva or other periodontal surgery; repositioning soft tissue, reshaping bone, and removal of bony projections from the ridges preparatory to fitting of dentures; removal of cysts incidental to removal of root tips from teeth and extraction of teeth; or other dental procedures involving teeth and their bones or tissue supporting structure. This exclusion also applies to any orthognathic procedures.
- (12) Charges incurred for any medical observations or diagnostic study when no disease or injury is revealed, unless proof satisfactory to the Plan Administrator is furnished that (i) the claim is in order in all other respects, (ii) the covered individual had a definite symptomatic condition of disease or injury other than hypochondria, and (iii) the medical observation and diagnostic studies concerned were not undertaken as a matter of routine physical examination or health checkup.
- (13) Charges for eyeglasses and hearing aids or examinations for the prescription or fitting thereof.
- (14) Charges for cosmetic surgery or treatment except that charges for cosmetic surgery or treatment required for correction of damage caused by accidental injury sustained by the covered individual while this insurance or its Predecessor Plan is in force on his or her account or to correct congenital deformities or anomalies shall not be excluded if they otherwise qualify as covered medical expenses.
- (15) Admissions for diagnostic tests or procedures which could be, and generally are, performed on an outpatient basis and inpatient services or supplies which are not consistent with the diagnosis, for which admitted.
- (16) Costs denied by the Plan Administrator as part of its overall program of claim review and cost containment.

“§ 135-40.8. *Out-of-pocket expenditures.*—For the balance of any calendar year after each eligible employee, retired employee, or dependent satisfies the cash deductible, the Plan pays ninety-five percent (95%) of the eligible expenses outlined in G.S. 135-40.6. The covered individual is then responsible for the remaining five percent (5%) until one hundred dollars (\$100.00), in excess of the deductible, has been paid out-of-pocket. The Plan then pays one hundred percent (100%) of the remaining covered expenses.

“§ 135-40.9. *Maximum benefits.*—The maximum lifetime benefit for each covered individual will be five hundred thousand dollars (\$500,000).

“§ 135-40.10. *Persons eligible for Medicare.*—(a) Benefits payable for covered expenses under this Plan in G.S. 135-40.5 through G.S. 135-40.9 will be reduced by any benefits payable for the same covered expenses under Medicare, so that Medicare will be the primary carrier.

(b) For those participants eligible for Medicare, the State's new Plan will be administered on a 'carve out' basis. The provisions of the new Plan are applied to the charges not paid by Medicare (Parts A & B). In other words, those charges not paid by Medicare would be subject to the deductible and coinsurance of the new Plan just as if the charges not paid by Medicare were the total bill.

All charges for outpatient surgery, preadmission testing and accidents are covered at one hundred percent (100%) subject to the plan's provisions. Of course all payments are subject to usual, customary, and reasonable charges.

(c) For those individuals eligible for Part A (at no cost to them), benefits under this program will be reduced by the amounts to which the covered individuals would be entitled to under Parts A and B of Medicare, even if they choose not to enroll for Part B.

"§135-40.11. *Cessation of coverage.*—(a) Coverage under this Plan of an employee and his or her dependents or of a retired employee and his or her dependents shall cease on the earliest of the following dates:

- (1) The day after the employee or retired employee dies. Any surviving dependents may then elect to continue the same coverage under the Plan by submitting written application within 30 days after the death of the employee or retired employee, to the Plan Administrator and by paying the cost for such coverage when due at the applicable fees. Such coverage shall cease on the last day of the month in which such surviving dependent dies.
- (2) The last day of the month in which an employee's employment with the State is terminated as provided in subsection (c) of this section.
- (3) The day a divorce becomes final.
- (4) The last day of the month in which an employee or retired employee requests cancellation of coverage.
- (5) The last day of the month in which a covered individual enters active military service.

(b) Coverage under this Plan as a dependent child shall cease as of the last day of the month in which such person marries, attains age 19 and is not a full-time student, ceases to be physically or mentally incapacitated after he or she was certified to be covered beyond age 19, or ceases to be a full-time student.

(c) Termination of employment shall mean termination for any reason, including layoff and leave of absence, except as provided in (a)(1) and (2) of this section, but shall not, for purposes of this Plan, include retirement upon which the employee is granted an immediate service or disability pension under and pursuant to the Teachers' and State Employees' Retirement System of North Carolina.

- (1) In the event of termination for any reason, coverage under this Plan for an employee and his or her dependents may be continued for a period of not more than three months. The employee must have been covered under this Plan for at least three months in order to be eligible for this extension. Also, the employee must pay in advance to the employer the total cost of the Plan for the length of the extension.

This provision will be preempted when the individual becomes eligible for any other group coverage.

- (2) In the event of layoff, coverage under this Plan for an employee and his or her dependents may be continued for a period of not more than 12

months by the employee's paying one hundred percent (100%) of the cost.

- (3) In the event of approval leave of absence without pay, other than for active duty in the armed forces of the United States, coverage under this Plan for an employee and his or her dependents may be continued during the period of such leave of absence by the employee's paying one hundred percent (100%) of the cost.
- (4) If employment is terminated in the second half of a calendar month and the covered individual has made the required contribution for any coverage in the following month, that coverage will be continued to the end of the calendar month following the month in which employment was terminated.
- (5) Employees paid for less than 12 months in a year, who are terminated at the end of the work year and who have made contributions for the non-work months, will continue to be covered to the end of the period for which they have made contributions, with the understanding that if they are not employed by another State-covered employer under this Plan at the beginning of the next work year, the employee will refund to the ex-employer the amount of the employer's cost paid for them during the non-paycheck months.

(d) No benefits will be paid by this Plan for any expenses incurred or treatment received after cessation of coverage as provided in subsections (a) or (b) of this section, except that in the event of hospital confinement at that time, hospitalization benefits as described in G.S. 135-40.6 will continue to the extent provided therein.

"§ 135-40.12. *Conversion*.—(a) Upon cessation of coverage due to termination of employment, an employee or dependent will be entitled to convert to nongroup coverage without the necessity of a physical examination, and on a fully contributory basis. Such coverage will include hospitalization, surgical and medical benefits similar in scope to those provided under the Plan. The Board of Trustees, after consultation with the Committee on Employee Hospital and Medical Benefits shall approve the conversion plan, which shall be administered by the Plan Administrator through an insurance contract arranged by the Plan Administrator, or administered as otherwise directed by the Board of Trustees. The eligible individual must apply for coverage within 30 days after termination of group eligibility.

(b) The Board of Trustees shall provide for the continuation of conversion privilege exercised under the predecessor plan, on a fully contributory basis. The Board of Trustees shall consult with the Committee on Employee Hospital and Medical Benefits before taking action under this subsection.

"§ 135-40.13. *Coordination of benefits*.—(a) Benefits subject to this provision. All of the benefits provided under this Comprehensive Major Medical Plan.

(b) Definitions.

- (1) 'Plan' means any Plan providing benefits or services for or by reason of medical or dental care or treatment, which benefits or services are provided by (i) group, blanket or franchise insured or uninsured coverage, (ii) hospital services prepayment Plan on a group basis, medical service prepayment Plan on a group basis, group practice, or other prepayment coverage on a group basis, (iii) any coverage under labor-management trusteeed plans, union welfare plans, employer

organization plans, or employee benefit organization plans, and (iv) any coverage under governmental programs except Medicare, or any coverage required or provided by any statute, which coverage is not otherwise excluded from the calculation of benefits under this Plan, but the term 'Plan' shall not include any individual policies.

The term 'Plan' shall be construed separately with respect to each policy, contract, or other arrangement for benefits or services and separately with respect to that portion of any such policy, contract, or other arrangement which reserves the right to take the benefits or services of other plans into consideration in determining its benefits and that portion which does not.

(2) 'Covered Services' means any necessary, reasonable and customary item of expense at least a portion of which is covered under at least one of the plans covering the person for whom claim is made. To the extent legally possible, it shall be synonymous with allowable expenses. When a Plan provides benefits in the form of services rather than cash payments, the reasonable cash value of each service rendered shall be deemed to be both an allowable expense and a benefit paid.

(3) 'Claim Determination Period' means any period of time during which a person covered by this Plan is eligible to receive benefits.

(c) Effect on Benefits.

(1) This provision shall apply in determining the benefits as to a person covered under this Plan for any claim determination period if, for the Covered Services incurred as to such a person during such claim determination period, the sum of:

- a. the benefits that would be payable under this Plan in the absence of this provision, and
- b. the benefits that would be payable under all other plans in the absence therein of provisions of similar purpose of this provision would exceed the usual and customary charges for such covered services.

(2) As to any claim determination period with respect to which this provision is applicable, the benefits that would be payable under this Plan in the absence of this provision for the covered services incurred as to such person during such claim determination period shall be reduced to the extent necessary so that the sum of such reduced benefit and all the benefits payable for such covered services under all other plans, except as provided in Item (3) immediately below, shall not exceed the total of such covered services. Benefits payable under another Plan include the benefits that would have been payable had claim been duly made therefor. In the case of another Plan which does not contain a provision coordinating its benefits, the benefits of such other Plan shall be determined before the benefits of this Plan. A Plan without a coordination of benefits provision shall be deemed to be the primary carrier within the meaning of this Plan.

(3) If:

- a. another Plan which is involved in Item (2) immediately above and which contains provisions coordinating its benefits with those of this Plan would, according to its rules, determine its benefits after the benefits of this Plan have been determined, and

- b. the rules set forth in Item (4) immediately below would require this Plan to determine its benefits before such other Plan, then the benefits of such other plan will be ignored for the purposes of determining the benefits under this Plan.
- (4) For the purposes of Item (3) immediately above, the rules establishing the order of benefit determination are:
 - a. the benefits of a plan which covers the person on whose covered services claim is based other than as a dependent shall be determined before the benefits of a plan which covers such person as a dependent;
 - b. the benefits of a plan which covers the person on whose covered services claim is based as a dependent of a male person shall be determined before the benefits of a plan which covers such person as a dependent of a female person;
 - c. when rules a. and b. immediately above do not establish an order of benefit determination, the benefits of a Plan which has covered the person on whose covered services claim is based for the longer period of time shall be determined before the benefits of a Plan which had covered such person for the shorter period of time.
- (5) When this provision operates to reduce the total amount of benefits otherwise payable as to a person covered under this Plan during any claim determination period, each benefit that would be payable in the absence of this provision shall be reduced proportionately, and such reduced amount shall be charged against any applicable benefit limit of this Plan.

(d) Medicare Participants' Eligibility. For participants eligible for Medicare, Medicare benefits will be paid in coordination with benefits hereunder so that Medicare benefits will be primary.

(e) Right to Receive and Release Necessary Information. For the purpose of determining the applicability of and implementing the terms of this provision of this Plan or any provision of similar purpose of any other Plan, the Plan Administrator may, without the consent of or notice to any person, release to or obtain from any insurance company or other organization or person any information, with respect to any person, which the Plan Administrator deems to be necessary for such purposes. Any person claiming benefits under this Plan shall furnish to the Plan Administrator such information as may be necessary to implement the provision.

(f) Facility of Payment. Whenever payments which should have been made under this Plan, in accordance with this provision, have been made under any other plans, the Plan Administrator shall have the right, exercisable alone and in its sole discretion, to pay over to any organizations making such other payments any amounts it shall determine to be warranted in order to satisfy the intent of this provision, and amounts to be paid shall be deemed to be benefits paid under this Plan, and, to the extent of such payments, the Plan Administrator shall be fully discharged from liability under the Plan.

(g) Right of Recovery. Whenever payments have been made by the Plan Administrator with respect to covered services in a total amount which is, at any time, in excess of the maximum amount of payment necessary at that time to satisfy the intent of this provision, irrespective of to whom paid, the Plan Administrator shall have the right to recover such payments, to the extent of such excess, from among one or more of the following, as the Plan

Administrator shall determine: any persons to or for or with respect to whom such payments were made, any insurance companies, or any other organizations.

"§ 135-40.14. *Right to amend.*—The General Assembly reserves the right to alter, amend, or repeal this Part."

Sec. 2. This act is effective upon ratification except that Part 3 of Article 3 of Chapter 135 of the General Statutes is effective October 1, 1982, and Section 1 of this act shall become effective October 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 1642 CHAPTER 1399

AN ACT TO STUDY COMMUNITY COLLEGE STANDARDS AND TO PROVIDE LIABILITY INSURANCE FOR NONTEACHING PERSONNEL.

The General Assembly of North Carolina enacts:

Section 1. Within funds available, the Legislative Research Commission may study the issue of health and other specialized studies in community colleges, specifically in order to recommend the development of standards for instructional programs in these respective fields. The Legislative Research Commission may report its findings, including any legislative recommendations, to the 1983 General Assembly.

Sec. 2. Standards dealing with instructional programs for nursing shall be maintained at current levels until new standards can be prepared and adopted pursuant to the Legislative Research Commission's study.

Sec. 3. The Department of Public Education and the State Board of Education shall provide for liability insurance for nonteaching public school personnel to the extent that such personnel's salaries are funded by the State. The insurance shall cover claims made for injury liability and property damage liability on account of an act done or an omission made in the course of the employee's duties. As provided by law or the rules and policies of the Department of Public Education or the local school administrative unit, the Department and State Board of Education shall comply with the State's laws in securing the insurance and shall provide it at the earliest possible date for the 1982-83 school year. Funds for this purpose shall be allocated from the State's Contingency and Emergency Fund. Nothing in this section shall prevent the Department and the State Board from furnishing the same liability insurance protection for nonteaching public school personnel not supported by State funds, provided that the cost of the protection shall be funded from the same source that supports the salaries of these employees.

Sec. 4. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

H. B. 426

CHAPTER 1400

AN ACT REGARDING SECURITY OVER PRISONERS DOING ROAD WORK.

The General Assembly of North Carolina enacts:

Section 1. G.S. 148-26(b) is amended by adding at the end thereof the following:

"The Department of Correction and the Department of Transportation shall develop a program to be implemented no later than July 1, 1982, to the extent money is herein appropriated, which shall include:

(1) the use of portable toilets for inmate road crews."

Sec. 2. There is appropriated from the Highway Fund to the Department of Transportation the sum of three thousand dollars (\$3,000) for fiscal year 1982-83 to implement this act.

Sec. 3. This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

REGULAR SESSION 1982

RESOLUTIONS

Comment on Resolutions

A general rule of legislative interpretation or construction is that a resolution does not have the force or effect of a law. In this context, a "law" means a legislative act that: Affects the rights or duties of people in the State; is of a permanent nature; is administered or enforced by the executive branch of government; and is subject to scrutiny by the judicial branch of government upon a proper challenge by a person aggrieved by the effect of the act.

A resolution is usually employed for purposes for which an act is not needed. For example, resolutions may be used to: Express opinions or sentiments of the General Assembly; create study commissions or authorize or direct studies to be undertaken by already existing entities; memorialize, honor, or commend persons; invite the Governor or other public officials to address the General Assembly in joint session; provide rules for the internal procedure of the General Assembly; or provide for adjournment of the General Assembly, with or without a date to reconvene.

A joint resolution is one adopted by both chambers of the General Assembly. Any changes made in the text of the resolution by one chamber must be agreed to by the other chamber. The resolutions published in this volume are all joint resolutions.

A simple resolution is one adopted by a majority of only one chamber. The most common uses of simple resolutions are for establishing House or Senate rules. The simple resolutions adopted by the General Assembly are published only in the House and Senate Journals.

Resolutions—1981

S. R. 796

RESOLUTION 82

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES AND COUNTIES TO CONSTRUCT AND OPERATE PUBLIC MARKETS AND TO AUTHORIZE LEVY OF PROPERTY TAXES THEREFOR.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES AND COUNTIES TO CONSTRUCT AND OPERATE PUBLIC MARKETS AND TO AUTHORIZE LEVY OF PROPERTY TAXES THEREFOR.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of June, 1982.

H. R. 1556

RESOLUTION 83

A JOINT RESOLUTION AUTHORIZING THE 1982 SESSION TO CONSIDER A RESOLUTION HONORING THE MEMORY OF THE HONORABLE EDWIN MAURICE GILL THROUGH RECOGNITION OF THE ACCOMPLISHMENTS OF SENATOR KENNETH ROYALL, JR., COMMISSIONER J. RICHARD CONDER, MAYOR FERD HARRISON AND HOUSE PRINCIPAL CLERK GRACE A. COLLINS ATTESTING THAT GOOD GOVERNMENT IS A HABIT IN NORTH CAROLINA.

Whereas, the late Edwin Maurice Gill, long-time State Treasurer, was a firm believer in the statement made originally by him to the effect that "good government is a habit in North Carolina"; and

Whereas, his passing on the sixteenth of July in the year Nineteen Hundred and Seventy-Eight precluded his living to see some of the latest proofs of that statement; and

Whereas, he would have been most proud to have learned that in this one year of Nineteen Hundred and Eighty-Two, no less than four government officials from North Carolina have gained national recognition attesting to the esteem in which the governance of this State and its political subdivisions is held, it being the first time that a single state has provided leadership of four major national public interest groups in the United States simultaneously;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the election of Senator Kenneth Royall, Jr., of Durham County as chairman of the Council of State Governments; of J. Richard Conder, chairman of the Richmond County Board of Commissioners as president of the National Association of Counties, and of Ferd Harrison, Mayor of Scotland Neck, as president of the National League of Cities, Grace A. Collins of Wake County as President of the American Society of Legislative Clerks and Secretaries, National Conference of State Legislatures, shall serve as a living reminder that good government is a habit in North Carolina.

Sec. 2. That the General Assembly hereby officially acknowledges with pride, the high attainments of Senator Kenneth C. Royall, Jr.; Commissioner J.

Resolutions—1981

Richard Conder; Mayor Ferd Harrison; and House Principal Clerk Grace A. Collins and commends the State, county, and city officials from throughout the country for the foresight and wisdom shown in electing these distinguished North Carolinians to their respective offices.

Sec. 3. This resolution is effective upon adoption.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

S. R. 813 **RESOLUTION 84**

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO INCREASE THE ALLOWED NUMBER AND LENGTH OF FARM TRAILERS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO INCREASE THE ALLOWED NUMBER AND LENGTH OF FARM TRAILERS.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

S. R. 836 **RESOLUTION 85**

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHAPTER 970, SESSION LAWS OF 1981, THE VARIABLE RATE FINANCING LAW FOR MOBILE HOMES.

Be it resolved by the Senate, the House concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO CHAPTER 970, SESSION LAWS OF 1981, THE VARIABLE RATE FINANCING LAW FOR MOBILE HOMES.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

S. R. 837 **RESOLUTION 86**

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE 1981 GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO REMOVE THE DISCLOSURE PROVISION FROM THE CHARITABLE SOLICITATION LAW.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO REMOVE THE DISCLOSURE PROVISION FROM THE CHARITABLE SOLICITATION LAW.

Sec. 2. This resolution is effective upon ratification.

Resolutions—1981

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

S. R. 842

RESOLUTION 87

A JOINT RESOLUTION AUTHORIZING THE 1982 SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ALLOW A SPECIAL ELECTION TO BE HELD IN NOVEMBER, 1982, IN CERTAIN SANITARY DISTRICTS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN AN ELECTION FOR A SANITARY DISTRICT SHOULD HAVE BEEN HELD IN 1981 BUT WAS NOT, THE COUNTY COMMISSIONERS OF THE COUNTY CAN DIRECT A SPECIAL ELECTION TO BE HELD IN NOVEMBER OF 1982, AND TO VALIDATE CERTAIN ACTIONS.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.

H. R. 1523

RESOLUTION 88

A JOINT RESOLUTION AUTHORIZING CONSIDERATION OF A BILL CONCERNING SAVINGS AND LOAN ASSOCIATIONS.

Whereas, the 1981 General Assembly enacted a new G.S. Chapter 54B governing the operation of savings and loan associations in North Carolina; and

Whereas, it is necessary to make technical changes and corrections to that Chapter; and

Whereas, savings and loan associations, like all segments of the housing and housing finance industries, are struggling through the most difficult period they have encountered since the 1930's; and

Whereas, it is critically important that savings and loans have the authority to offer those services which will enable them to be competitive;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1981 General Assembly, Fourth Session 1982, may consider a bill to be entitled: "AN ACT TO AMEND CHAPTER 54B OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO SAVINGS AND LOAN ASSOCIATIONS."

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1982.

Resolutions—1981

S. R. 849

RESOLUTION 89

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO LIMIT THE POSSESSION AND USE OF TEFLON-COATED BULLETS THAT ARE CAPABLE OF PENETRATING POLICE-TYPE KEVLAR BODY ARMOR.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, may consider A BILL TO BE ENTITLED AN ACT TO LIMIT THE POSSESSION AND USE OF TEFLON-COATED BULLETS THAT ARE CAPABLE OF PENETRATING POLICE-TYPE KEVLAR BODY ARMOR.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

S. R. 854

RESOLUTION 90

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO CONFORM THE TERMS OF HUNTING, TRAPPING, AND FISHING LICENSES TO THE STATE'S FISCAL YEAR.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO CONFORM THE TERMS OF HUNTING, TRAPPING, AND FISHING LICENSES TO THE STATE'S FISCAL YEAR.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

H. R. 1459

RESOLUTION 91

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE NEW ALCOHOLIC BEVERAGE CONTROL STATUTES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, may consider A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE NEW ALCOHOLIC BEVERAGE CONTROL STATUTES.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

Resolutions—1981

H. R. 1460

RESOLUTION 92

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ALLOW STATE EMPLOYEES TO CHOOSE WHETHER TO PARTICIPATE IN A DIRECT DEPOSIT PLAN.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO ALLOW STATE EMPLOYEES TO CHOOSE WHETHER TO PARTICIPATE IN A DIRECT DEPOSIT PLAN.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

H. R. 1502

RESOLUTION 93

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICTS TO ACQUIRE PROPERTY FOR, AND CONSTRUCT, A MEDICAL CLINIC.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICTS TO ACQUIRE PROPERTY FOR, AND CONSTRUCT, A MEDICAL CLINIC.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

H. R. 1519

RESOLUTION 94

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO PROVIDE HEARING PROCEDURES FOR MOTORISTS WHOSE VEHICLES ARE TOWED.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO PROVIDE HEARING PROCEDURES FOR MOTORISTS WHOSE VEHICLES ARE TOWED AS A RESULT OF PARKING OR OTHER MOTOR VEHICLE LAW VIOLATIONS.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

Resolutions—1981

H. R. 1522

RESOLUTION 95

A JOINT RESOLUTION AUTHORIZING THE 1982 SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES TO USE AND DISPOSE OF REAL AND PERSONAL PROPERTY AT THE DISCRETION OF THE CITY COUNCIL.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider a BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES TO USE AND DISPOSE OF REAL AND PERSONAL PROPERTY AT THE DISCRETION OF THE CITY COUNCIL.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

S. R. 863

RESOLUTION 96

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CANDOR TO ESTABLISH, OPERATE, AND MAINTAIN A PUBLIC MARKET.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CANDOR TO ESTABLISH, OPERATE, AND MAINTAIN A PUBLIC MARKET.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1982.

H. R. 1461

RESOLUTION 97

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT REGARDING THE EFFECT OF ABC STORE ELECTIONS ON WINE SALES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, may consider A BILL TO BE ENTITLED AN ACT REGARDING THE EFFECT OF ABC STORE ELECTIONS ON WINE SALES.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

Resolutions—1981

H. R. 1521

RESOLUTION 98

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A JOINT RESOLUTION MEMORIALIZING THE CONGRESS TO REJECT LEGISLATION THAT WOULD PREEMPT STATE USURY LAWS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider a joint resolution memorializing the Congress to reject legislation that would preempt State usury laws.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. R. 1572

RESOLUTION 99

A JOINT RESOLUTION AUTHORIZING THE 1982 SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAW TO PROVIDE PROCEDURES FOR FILLING VACANCIES IN THE GENERAL ASSEMBLY WHERE COUNTIES ARE DIVIDED IN REDISTRICTING, AND TO MAKE OTHER TECHNICAL AMENDMENTS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAW TO PROVIDE PROCEDURES FOR FILLING VACANCIES IN THE GENERAL ASSEMBLY WHERE COUNTIES ARE DIVIDED IN REDISTRICTING, AND TO MAKE OTHER TECHNICAL AMENDMENTS.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. R. 1601

RESOLUTION 100

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A RESOLUTION HONORING THE LIFE AND MEMORY OF REPRESENTATIVE ROBERT A. JONES.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A RESOLUTION HONORING THE LIFE AND MEMORY OF REPRESENTATIVE ROBERT A. JONES.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

Resolutions—1981

H. R. 1606

RESOLUTION 101

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO EXEMPT TRAILERS USED TO HAUL POTATOES FROM REGISTRATION AND TITLE REQUIREMENTS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED AN ACT TO EXEMPT TRAILERS USED TO HAUL POTATOES FROM REGISTRATION AND TITLE REQUIREMENTS.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1982.

H. R. 1591

RESOLUTION 102

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTE OF LIMITATIONS IN ODOMETER FRAUD CASES TO FOUR YEARS.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, may consider A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTE OF LIMITATIONS IN ODOMETER FRAUD CASES TO FOUR YEARS.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

H. R. 1648

RESOLUTION 103

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE 1981 GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STEWART BETHUNE WARREN, A FORMER MEMBER OF THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STEWART BETHUNE WARREN, A FORMER MEMBER OF THE GENERAL ASSEMBLY.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

Resolutions—1981

H. R. 1643

RESOLUTION 104

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT ALDEN JONES, A FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Robert Alden Jones was born in Forest City, North Carolina, on June 8, 1931, the son of Rosagray Chesson from Oriental, North Carolina, and Basil Thomas Jones, Jr., a lawyer from Onslow County, North Carolina, who served in the North Carolina Senate in 1963; and

Whereas, Robert Alden Jones died on April 5, 1982, when an airplane he was piloting back from Raleigh, where he had been conducting legislative business, crashed in Rutherford County, North Carolina; and

Whereas, Robert Alden Jones, after completing his primary and secondary education in 1948, in his home town of Forest City, North Carolina, began his service to his country in 1950 by enlisting in the United States Air Force, a dedicated active and reserve service which saw him rise to the rank of lieutenant colonel in the United States Air Force Reserve in 1967; and

Whereas, Robert Alden Jones earned a B.S. degree and a Juris Doctor degree from Wake Forest University, an alma mater he staunchly supported, even on the floor of the House of Representatives; and

Whereas, Robert Alden Jones served his community as Rutherford County Attorney, as a member or officer of the Rutherford County Mental Health Advisory Board, the Rutherford County Civil Defense Board, and the Rutherford County Planning Board as well as the Forest City Chamber of Commerce, the Forest City Jaycees, and the Forest City P.T.A. along with many other service positions; and

Whereas, Robert Alden Jones served his church as a Sunday school teacher, junior deacon, and usher; and

Whereas, Robert Alden Jones served his profession as a member of the law firm of Jones and Jones from 1960 until his death and as President of the Rutherford County Bar Association and President of the Twenty-ninth Judicial District Bar Association among many other offices of responsibility; and

Whereas, Robert Alden Jones served the people of North Carolina as the Democratic Representative from Rutherford County from 1969 to 1978 and then again in 1981 and 1982;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the memory of Robert Alden Jones and expresses its deep appreciation for the outstanding service he rendered to the people of North Carolina.

Sec. 2. The General Assembly of North Carolina extends its deepest sympathy to the family of Robert Alden Jones, especially Nancy Hardwick Jones who is continuing the work of her husband in the House of Representatives for the loss of its distinguished member.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Robert Alden Jones.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

Resolutions—1981

S. R. 765

RESOLUTION 105

A JOINT RESOLUTION COMMENDING THE WORK OF THE PRINCIPAL CLERKS AND THEIR STAFFS, COMMITTEE CLERKS, SECRETARIES, LEGISLATIVE SERVICES STAFF, AND OTHER STAFF WHO ASSIST THE GENERAL ASSEMBLY.

Whereas, the 1981 Session of the General Assembly is drawing to a close; and

Whereas, in the nearly six months of the Session over two thousand bills have been considered; and

Whereas, the 1981 Session has faced many difficult issues, including the budget, tax increases, redistricting, equitable distribution of marital property, interest rates and insurance regulation; and

Whereas, the members of the Senate and House of Representatives could not act effectively on so much and such controversial legislation without able supporting staff;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The members of the Senate and House of Representatives commend for their fine assistance during the 1981 Session all the staff of the General Assembly, including the principal clerks and their staff, the committee clerks, the secretaries, and all the staff under the direction of the Legislative Services Office.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. R. 1626

RESOLUTION 106

A JOINT RESOLUTION AUTHORIZING THE 1982 REGULAR SESSION OF THE 1981 GENERAL ASSEMBLY TO CONSIDER A BILL TO BE ENTITLED A JOINT RESOLUTION TO ENCOURAGE THE DEPARTMENT OF ENTOMOLOGY OF NORTH CAROLINA STATE UNIVERSITY TO INCREASE ITS VITAL WORK ON TICK CONTROL.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. The 1981 General Assembly, Regular Session 1982, is authorized to consider A BILL TO BE ENTITLED A JOINT RESOLUTION TO ENCOURAGE THE DEPARTMENT OF ENTOMOLOGY OF NORTH CAROLINA STATE UNIVERSITY TO INCREASE ITS VITAL WORK ON TICK CONTROL.

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

Resolutions—1981

H. R. 1646

RESOLUTION 107

A JOINT RESOLUTION MEMORIALIZING THE CONGRESS TO REJECT LEGISLATION THAT WOULD PREEMPT STATE USURY LAWS.

Whereas, it has long been recognized that usury laws fall within the police power of the state and exist to protect the general welfare of the citizens of the state, *Griffin v. Connecticut*, 218 U.S. 563 (1910); and

Whereas, legislation is now pending in Congress which would, among other things, preempt state laws limiting the nature, rate, amount or manner in which interest, finance charges or other fees may be charged;

Whereas, heretofore, state regulation of consumer credit rate ceilings has been recognized as a proper subject of state legislation and has received express Congressional recognition, 15 U.S.C. § 1610(b) (Truth In Lending); and

Whereas, state officials have acted and will continue to act to adjust interest rate limitations where necessary to need changing economic conditions and to reconcile the needs of credit extenders and consumers; and

Whereas, consumer credit rates, levels of competition and the existence, or nonexistence, of competitive markets are questions best suited for resolution by state officials under settled, traditional principles of federalism;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The North Carolina General Assembly urges the United States Congress to reject any legislation that would preempt any state statute or regulation concerning consumer credit rate ceilings or associated consumer protection measures.

Sec. 2. The Secretary of State shall transmit copies of this resolution to all members of the Congress and to the President of the United States.

Sec. 3. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.

H. R. 1673

RESOLUTION 108

A JOINT RESOLUTION CONTINUING THE CRIMINAL CODE COMMISSION.

Whereas, the General Assembly has given legislative sanction to the creation and continuation of the Criminal Code Commission in Resolution 24 of the 1971 Session; and

Whereas, the Criminal Code Commission is to terminate at the adjournment of this session of the 1981 General Assembly; and

Whereas, the Criminal Code Commission has legislation to submit to the 1983 Session of the General Assembly for its consideration dealing with a new criminal code, thus dictating that the Commission remain in existence until presenting these legislative proposals;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Criminal Code Commission created by Resolution 24 of the 1971 Session of the General Assembly is hereby extended until the 1983 Session of the General Assembly adjourns sine die.

Resolutions—1981

Sec. 2. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

H. R. 1664

RESOLUTION 109

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STEWART BETHUNE WARREN, A FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Stewart Bethune Warren was born in Newton Grove, North Carolina, on March 10, 1916, and died on December 12, 1981; and

Whereas, Stewart Bethune Warren was graduated from The University of North Carolina at Chapel Hill in 1937; and

Whereas, Stewart Bethune Warren started his law practice in Clinton, North Carolina, in 1939, after being graduated from The University of North Carolina School of Law, a practice he continued until his death except for a period of service in the United States Army during World War II; and

Whereas, Stewart Bethune Warren was active in the civic affairs of his community having served as the Sampson County Attorney and the Clinton City Attorney; and

Whereas, Stewart Bethune Warren was active in the religious affairs of his community having served the Methodist Church of Clinton as a trustee; and

Whereas, Stewart Bethune Warren was active in the political affairs of his community being a devout Democrat, having served as Chairman of the Democratic Executive Committee, and having served Sampson, Duplin, Pender, and New Hanover counties in the North Carolina Senate in 1961, 1965, 1969, and 1971;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina honors the memory of Stewart Bethune Warren and expresses its deep appreciation for the great service he rendered to the people of North Carolina.

Sec. 2. The General Assembly of North Carolina extends its deepest sympathy to the family of Stewart Bethune Warren for the loss of its distinguished member.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Stewart Bethune Warren.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.

Resolutions—1981

S. R. 872

RESOLUTION 110

A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Senate and the House of Representatives, constituting the General Assembly of 1981, do adjourn sine die, on Wednesday, June 23, 1982, at 4:45 p.m.

Sec. 2. This resolution is effective upon ratification.


In the General Assembly read three times and ratified, this the 23rd day of June, 1982.

STATE OF NORTH CAROLINA

DEPARTMENT OF STATE,

RALEIGH, JUNE 25, 1982

I, THAD EURE, Secretary of State of North Carolina, hereby certify that the foregoing volume was printed under the direction of the Legislative Services Commission from ratified acts and resolutions on file in the office of the Secretary of State.

A stylized, handwritten signature in black ink. The signature appears to read 'Thad Eure' with a large, sweeping flourish above the name and a horizontal line underneath.

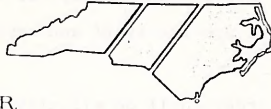
Secretary of State

APPENDIX

EXECUTIVE ORDERS OF GOVERNOR JAMES B. HUNT, JR.

Title	Number
ELECTRONIC TOWN HALL TASK FORCE.....	74
GOVERNOR'S TASK FORCE ON DRUNKEN DRIVERS.....	75
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State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 74

ELECTRONIC TOWN HALL TASK FORCE

WHEREAS, there is a need to improve communications between the public and its elected officials; and,

WHEREAS, modern technology makes it possible to broadcast meetings and hearings to all areas of the State, thereby bringing government closer to the people; and

WHEREAS, the Z. Smith Reynolds Foundation has awarded a grant of \$10,500 to the Agency for Public Telecommunications to study the application of these technologies to chronicle the activity of state government.

NOW, THEREFORE, IT IS HEREBY ORDERED:

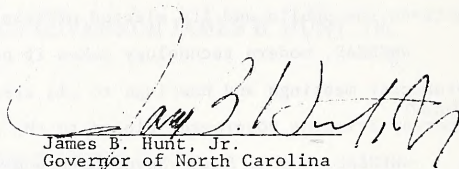
Section 1. I hereby establish the Electronic Town Hall Task Force to be composed of not more than twenty-five members. The Lieutenant Governor shall appoint one member of the North Carolina Senate to serve on the Task Force. The Speaker of the House shall appoint one member of the North Carolina House of Representatives to serve on the Task Force. The remaining members shall be appointed by the Governor to serve at the pleasure of the Governor.

Section 2. The Task Force is directed to study and evaluate the use of modern technology to improve communications between the public and its elected officials and government agencies. The Task Force is authorized to conduct public hearings. The Task Force shall present a report to the Governor and the Board of Public Telecommunications no later than December 31, 1982.

Section 3. Members of the Task Force shall be reimbursed for such necessary travel and subsistence expenses as are authorized by N.C.G.S. 138-5. The Agency for Public Telecommunications shall provide staff and support services to the Task Force.

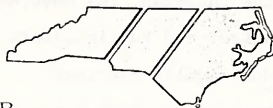
Section 4. This order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the Seventeenth day of December, 1981.


James B. Hunt, Jr.
Governor of North Carolina



State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 75

GOVERNOR'S TASK FORCE ON DRUNKEN DRIVERS

WHEREAS, the operation of motor vehicles on our highways by persons under the influence of intoxicating beverages constitutes a serious threat to the health and safety of our citizens; and,

WHEREAS, a large portion of the fatal accidents on our highways are alcohol related; and,

WHEREAS, the State of North Carolina must consider strong measures designed to deter and prevent the operation of motor vehicles by persons under the influence of intoxicating beverages;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby establish the Governor's Task Force on Drunken Drivers, which shall be an ad hoc committee of the Governor's Crime Commission. The Task Force shall be composed of at least fifteen and not more than thirty members appointed by the Governor to serve at the pleasure of the Governor. The Governor shall designate one of the members as chairman. The members appointed by the Governor will be representatives of the following areas:

- (A) The Governor's Crime Commission and committees associated with that Commission;
- (B) Law enforcement;
- (C) The judicial system;
- (D) Highway safety; and
- (E) The prevention of alcoholism.

Section 2. The Task Force shall meet regularly at the call of the chairman and may hold special meetings at any time at the call of the chairman, the Governor, or the Secretary of Crime Control and Public Safety. The Task Force is authorized to conduct public hearings.

Section 3. Members of the Task Force shall be reimbursed for such necessary travel and subsistence expenses as are authorized by N.C.G.S. 138-5. Funds for reimbursement of such expenses shall be made available from funds authorized by the Governor's Crime Commission.

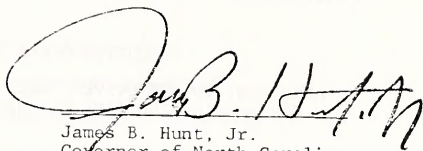
Section 4. The Task Force shall have the following duties:

- (A) Review the General Statutes of North Carolina applicable to driving under the influence of intoxicating beverages;
- (B) Review proposals in other states designed to deter driving under the influence of intoxicating beverages;
- (C) Consider proposals for North Carolina, including mandatory jail term for conviction of driving under the influence, mandatory revocation of operator's license for driving under the influence, the elimination or alteration of certain "lesser included offenses" for driving under the influence, and a county by county report card on the disposition of cases; and
- (D) Other such duties as assigned by the Governor or the Secretary of Crime Control and Public Safety.

Section 5. The Task Force shall present a report to the Governor no later than December 1, 1983. The Task Force shall be dissolved when its report is presented to the Governor.

Section 6. This order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this
the eleventh day of February, 1982.

A handwritten signature in dark ink, appearing to read "James B. Hunt, Jr.", written over a horizontal line.

James B. Hunt, Jr.
Governor of North Carolina

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 76

AMENDMENT TO EXECUTIVE ORDER 63 CREATING THE GOVERNOR'S EXECUTIVE CABINET ON JUVENILES

WHEREAS, on April 9, 1981, I signed Executive Order 63 creating the Governor's Executive Cabinet on Juveniles; and,

WHEREAS, I now desire to amend said order to add the Secretary of Natural Resources and Community Development as a member of the Governor's Executive Cabinet on Juveniles;

NOW, THEREFORE, IT IS HEREBY ORDERED:

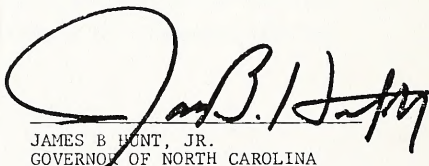
Section 1. I hereby amend Executive Order 63 by rewriting Section 1 of said order in its entirety to read as follows:

"I hereby create the Governor's Executive Cabinet on Juveniles.

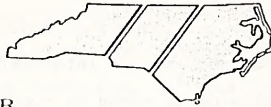
The members of the Cabinet shall be as follows: The Governor, who shall serve as chairman, the Chief Justice, the Attorney General, the Secretary of Human Resources, the Secretary of Correction, the Secretary of Crime Control and Public Safety, the Secretary of Natural Resources and Community Development, the Superintendent of Public Instruction, the Chairman of the Governor's Crime Commission, and the Chairman of the Courts Commission."

Section 2. This order shall be effective immediately.
Done in the Capital City of Raleigh, North Carolina, this the nineteenth day of February, 1982.




JAMES B. HUNT, JR.
GOVERNOR OF NORTH CAROLINA

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 77

GOVERNOR'S OVERSIGHT COMMITTEE

FOR OFFICIAL LABOR MARKET INFORMATION

WHEREAS, a Labor Market Information System is essential for the design of education and training programs to meet the labor force needs of our expanding economy, especially in terms of skilled labor; and

WHEREAS, collection of labor market information by State agencies is done independently and without a common framework or standards, resulting in the following problems:

1. The data is both incomplete and questionable in terms of accuracy and timeliness.
2. The data is difficult to use in the design of education and training programs because of different agency approaches and insufficient geographic breakdown to provide enough labor market area detail.
3. There is insufficient understanding of how labor market information can be used in program design.
4. Inadequate attention has been given to the collection of data on skilled labor needs.
5. There is no accepted set of figures on the magnitudes of skill-training needs in the state; and

WHEREAS, decisions about education and training program funding, and population groups and geographic areas to be served, require sound labor market information on a continuing basis; and

WHEREAS, the federal government is both changing and reducing its support for the collection and distribution of labor market information; and

WHEREAS, the Carolina Council on Management and Development has studied the state's labor market information system and recommends that a Commission be named to oversee the system; and

WHEREAS, a lead agency and an Oversight Committee for official labor market information should be established to address those problems; and

WHEREAS, a North Carolina Labor Market Information System will require extensive planning and inter-agency cooperation to be an effective system;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Section 1. The Employment Security Commission is hereby designated as lead agency for the state labor market information system. The Chairman of the Employment Security Commission will name, with approval of the Governor, an experienced labor market information expert to assume responsibility for the labor market information system. This individual, with such clerical and staff support as may be needed, shall be an Assistant Director within the Employment Security Commission. It shall be the Assistant Director's responsibility to present recommendations to the Governor's Oversight Committee for Official Labor Market Information on steps which should be taken to carry out its mandate, and to follow up to ensure timely execution of the Committee's actions. It will also be the Assistant Director's responsibility to report on the status of all activities at the regular meetings of the Oversight Committee. The Employment Security Commission shall, from time to time, publish a set of labor market information data that shall serve as the official basis for planning and implementation throughout state government.

Section 2. The Governor's Oversight Committee for Official Labor Market Information is hereby established. The Committee will be appointed by the Governor and will be composed of the Assistant Director for Labor Market Information of the Employment Security Commission, the Director of the State Occupational Information Coordinating Committee, the Vice President (Division of Planning and Research Services) of the Department of Community Colleges, the Director of Research for the Office of Budget and Management, representatives of the State Department of Education, the Division of Employment and Training of the Department of Natural Resources and Community Development, the Department of Labor, the General Administration of the University of North Carolina, the Department of Commerce, and the Department of Human Resources. The Governor shall also appoint representatives of the private sector and other persons to the Committee as needed, and will designate one of the members as Chair.

Section 3. The Committee will have the following responsibilities:

- A. To establish a framework for the collection and organization of labor market information which places a priority on meeting the needs of planners and policymakers in both the public and private sectors;
- B. To establish standards for the accuracy of labor market information being collected;
- C. To ensure that labor market information provided to planners and policymakers is consistent, comparable and timely;
- D. To provide training for planners and policymakers in the uses and limitations of available labor force information;
- E. To provide for regular and systematic release of information;
- F. To act as a mechanism to increase the exchange of labor market information between the agencies, and thus to reduce duplication;

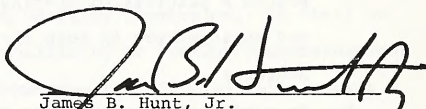
- G. To assure access to the agencies' labor market information system for meeting these purposes; and
- H. To perform such other proper and reasonable functions as may be identified in consultation with all member agencies and the private sector.

Section 4. The Committee will meet regularly at the call of the Chairman and may hold special meetings at any time at the call of the Chairman or the Governor.

Section 5. The Oversight Committee shall make an annual report to the Governor on its activities, and such other reports as the Governor shall request or the Committee deem necessary and proper.

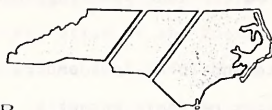
Section 6. This Order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the third day of March, 1982.


James B. Hunt, Jr.
Governor of North Carolina



State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 78

GOVERNOR'S TASK FORCE ON SOLAR LAW

WHEREAS, it is in the public interest to encourage the use of local renewable energy resources and thus decrease our dependence on oil imports; and,

WHEREAS, with every increase in the price of foreign oil, unconventional energy sources, such as solar energy, become more economically competitive; and,

WHEREAS, solar energy is by far the most plentiful renewable energy resource in the nation and State of North Carolina; and,

WHEREAS, State funded research through the North Carolina Energy Institute has defined a large technical and economic potential for solar energy in North Carolina; and,

WHEREAS, state and federal tax credits encourage the use of solar energy; and,

WHEREAS, institutional and legal barriers hamper the development of the potential of solar energy in relation to conventional energy sources; and,

WHEREAS, assuring solar access is critical to the successful development of the State's promising solar energy industry, in existing and new developments, because purchasers of solar equipment and investors in passive solar buildings will be reluctant to make such investments in areas where access to sunlight may be reduced; and,

WHEREAS, several other states have encouraged the use of solar energy through solar access legislation, local ordinances, tax credits, land planning, and revised building codes; and,

WHEREAS, state and local laws and regulations need to be evaluated in terms of their potential negative impact on the utilization of solar energy; and,

WHEREAS, solar access issues may be different in different areas of the State and in different types of urban, suburban or rural environments; and,

WHEREAS, solar access issues should be studied by persons with expertise in law, land use planning, zoning and subdivision regulations, architecture, engineering, land development, and aesthetic and historic preservation; and,

WHEREAS, the North Carolina Energy Policy Council has recommended the creation of a Task Force on Solar Law;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby create the Governor's Task Force on Solar Law.

Section 2. The Task Force shall be composed of not more than twenty members to be appointed by the Governor to serve at the pleasure of the Governor. When making the appointments, the Governor shall consider individuals with expertise in energy policy, land use planning, land use covenants, zoning, subdivision regulations, solar energy law, constructing buildings designed for utilization of solar energy, building design, historic preservation, using renewable energy in industrial settings, the legislative process, municipal government, and county government. The Governor shall designate one of the members to serve as chairman. In addition to these members, the Governor shall also appoint up to ten non-voting advisory members to the Task Force. The advisory members may include the Director

of the North Carolina Energy Institute, the Director of the North Carolina Energy Division, a representative of the Department of Natural Resources and Community Development, a representative of the Energy Policy Council, a representative of the Public Staff of the North Carolina Utilities Commission, a representative of the Institute of Government, a representative of the Attorney General's office, a representative of the North Carolina Building Code Council, and a representative of the North Carolina Alternative Energy Corporation.

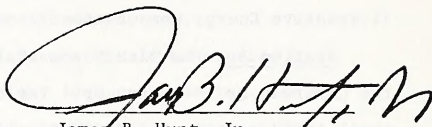
Section 3. The Task Force shall meet at the call of the Chairman or the Governor. The duties of the Task Force shall include reviewing North Carolina zoning and subdivision laws, North Carolina common law governing access to sunlight and solar easements, new legal materials on solar law, and solar legislation which has been proposed or implemented in other jurisdictions. The Task Force shall also consider: the need for the elimination or modification of existing laws, regulations, and codes which may hamper the development and use of solar energy; regulatory policies and incentives to encourage the use of solar equipment and solar designs; and a more appropriate definition of the right of access to sunlight. The Governor may, from time to time, assign other duties to the Task Force.

Section 4. The Task Force may submit interim and preliminary reports to the Governor. The Task Force shall present a final report to the Governor by February 1, 1983.

Section 5. The North Carolina Energy Institute, in cooperation with the Energy Division, shall provide staff support and funding to the Task Force. Members of the Task Force shall be reimbursed for such necessary travel and subsistence expenses as are authorized by N.C.G.S. 138-5.

Section 6. This order shall be effective immediately.

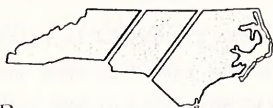
Done in the Capital City of Raleigh, North Carolina, this
the Thirty-first day of March, 1982.



James B. Hunt, Jr.
Governor of North Carolina



State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER NUMBER 79

AMENDING JUDICIAL NOMINATING COMMITTEE FOR SUPERIOR COURT JUDGES

WHEREAS, the use of the Judicial Nominating Committee for Superior Court Judges has helped maintain a strong and viable judiciary by assuring that those persons appointed by the Governor to fill vacancies on the Superior Court have been selected on the basis of personal and professional competence and fitness to administer right and justice wisely; and,

WHEREAS, the use of the Judicial Nominating Committee for Superior Court Judges has helped insure that only the most qualified, conscientious and dedicated persons available have been appointed by me, as Governor, to the Superior Court; and,

WHEREAS, I now desire to amend the Judicial Nominating Committee for Superior Court Judges and to provide for the continued merit selection of persons to fill vacancies on the Superior Court;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. The Judicial Nominating Committee for Superior Court Judges, as created by Executive Order Number 12, is hereby extended until December 31, 1984, subject to change by further Executive Order.

Section 2. The Committee shall consist of 44 members to be selected as follows:

(a) 13 citizens who are not licensed to practice law in the State, no less than 3 of whom and no more than

4 of whom shall be residents of the same judicial division of the State, to be appointed by the Governor.

(b) 13 attorneys licensed to practice law in the State, no less than 3 of whom and no more than 4 of whom shall be residents of the same judicial division of the State, to be appointed by the Chief Justice of the Supreme Court of North Carolina.

(c) Four citizens who are not licensed to practice law in the State, each a resident of a different judicial division of the State, two to be appointed by the President Pro Tempore of the Senate and two by the Speaker of the House of Representatives.

(d) Four attorneys licensed to practice law in the State, two to be appointed by the President Pro Tempore of the Senate, and two by the Speaker of the House of Representatives.

(e) Two members of the Supreme Court of North Carolina, one of whom shall serve as Chairman of the Committee, and another, who shall serve in the absence of the Chairman as Chairman Pro Tempore of the Committee, each to be appointed by that Court.

(f) Two at large members for each judicial division. The Chief Justice shall appoint four attorneys licensed to practice law in the State, one from each judicial division. The Governor shall appoint one person from each judicial division, two of whom shall be licensed to practice law in the State and two of whom are not licensed to practice law in the State.

(g) Exclusive of the Chairman, Chairman Pro Tempore, and the at large members, each member of the Committee shall be a resident of a different judicial district of the State, as the State is currently divided into thirty-

four judicial districts. The removal of such a member's residence from the district of appointment creates a vacancy to be filled from that district as provided in Subsection (h) of this Section. To insure the required distribution of members among the judicial districts, appointments of such members other than the Chairman and Chairman Pro Tempore shall be made in the following sequence by the appointing authorities indicated:

- (i) The Governor shall first make the appointments provided in Subsections (a) and (f).
- (ii) The Chief Justice of the Supreme Court shall then make the appointments provided in Subsections (b) and (f).
- (iii) The President Pro Tempore of the Senate shall then make the appointments provided respectively in Subsections (c) and (d).
- (iv) The Speaker of the House of Representatives shall then make the appointments provided respectively in Subsection (c) and (d).
- (h) The Chairman and Chairman Pro Tempore shall serve at the pleasure of the Supreme Court. All members other than the Chairman and Chairman Pro Tempore shall serve at the pleasure of the appointing authority. Upon the occurrence of a vacancy, the vacancy shall be filled by the then incumbent in the office of the appointing authority that made the initial appointment. Successor members appointed shall be of the same category and from the same district as the initial appointees. No member of the Committee other than the Chairman and Chairman Pro Tempore is eligible for appointment to a judicial office of this State that is created or vacated

during the member's service on the Committee and for a period of six months thereafter.

(i) All current members of the Committee are eligible to continue to serve, at the pleasure of the appointing authority. If the appointing authority chooses to appoint a different person to a seat on the Committee, then the member's successor must be a resident of the same judicial district, excluding the at large members.

(j) While engaged on official business, a member of the Committee is entitled to reimbursement for travel and subsistence as may be authorized for members of State Boards and Commissions generally.

Section 3. The function of the Judicial Nominating Committee is to identify and nominate for appointment those persons most highly qualified personally and professionally to be Superior Court Judges without regard to any partisan political considerations. To accomplish this purpose the Committee shall be divided into four panels, as herein below provided:

(a) In considering and making nominations for Superior Court Judges, the Chairman and Chairman Pro Tempore and all members of the Committee who are residents of the judicial division in which the judge is to be appointed shall exercise the powers of the Committee in respect to that particular judgeship.

(b) Subject to the provisions of this Order, the Committee may direct meetings and public hearings to be held anywhere within the State; publicize vacancies in judicial offices and solicit candidates therefore; adopt rules of procedure for the exercise of its powers

and take any other actions necessary and proper to the accomplishment of its functions.

(c) Panels of the Committee shall meet on call of the Chairman, Chairman Pro Tempore, or a majority of the members of the panel. All calls for meetings shall be upon reasonable notice to all members entitled to participate. Meetings of any of the panels of the Committee shall be presided over by the Chairman, or in his absence, the Chairman Pro Tempore. The Chairman or Chairman Pro Tempore presiding shall vote only when necessary to break tie votes of the members of the panel present. A simple majority of the members constituting the nominating panel constitutes a quorum for exercise of the panel's powers; but no nomination may be made except upon the concurrence of at least a majority of the members of a nominating panel authorized to make a particular nomination.

(d) When a candidate is to be interviewed by the panel or his qualifications are to be discussed concerning his nomination by the panel, two-thirds of the memberships of the panel must be present at that meeting.

(e) Each panel shall elect a secretary from among its members.

(f) The Governor shall name an Executive Secretary for the Committee.

Section 4.

(a) Any person who is eligible to hold the office of Superior Court Judge may file with the Judicial Nominating Committee, in accordance with its rules, a questionnaire for prospective nominees for Superior Court Judgeships. The Committee may, in its discretion

consider and nominate a person who has not filed a questionnaire.

(b) For any vacancy in the office of Superior Court Judge, the Committee should nominate no less than three (3) nor more than five (5) persons.

(c) Full consideration of minority and female applicants is encouraged.

(d) Nominations to fill vacancies may be submitted to the Governor not more than sixty (60) days in advance of mandatory retirement of a judge; and all nominations should in any event be submitted no later than sixty (60) days after a vacancy occurs. Should the Committee fail to submit to the Governor nominations within sixty (60) days after a vacancy occurs, the Governor may proceed to fill the vacancy. Nominations by the Committee shall be certified to the Governor over the signature of the Chairman or the Chairman Pro Tempore. Nominations shall be submitted to the Governor in alphabetical order and shall not be ranked in any special order.

(e) To assist the Committee, the Administrative Office of the Courts shall notify the Committee of the imminence of vacancies in Superior Court Judgeships occurring for any reason known to them in advance of their occurrence, and shall notify the Committee of other vacancies as soon as is practicable.

Section 5. Forthwith upon receipt of nominations from the Judicial Nominating Committee, the Governor shall cause the identity of the nominees to be made public by any appropriate means. Within thirty (30) days after receipt of nominations or the occurrence of a vacancy, whichever event last occurs, the Governor shall appoint one of the

nominees to fill the vacancy for which nominated.

Section 6. This Executive Order shall apply to all vacancies in the office of Superior Court Judge. The Governor may, in his discretion, appoint a Special Superior Court Judge who is a resident of a district in which a vacancy occurs in the office of Resident Superior Court Judge to that resident vacancy without following the nominating procedure described herein, provided that the person thus appointed to the Resident office has been first appointed as a Special Judge under the nominating procedure described herein.

Section 7. This Executive Order shall apply to Special Superior Court Judges in the following manner.

(a) For a single vacancy in the office of Special Superior Court Judge, the Governor shall direct the panel or panels of his choice to nominate no less than three (3) nor more than five (5) persons who reside in the respective panels' division to fill the vacancy.

(b) When two or more vacancies occur in the office of Special Superior Court Judge, the Governor shall direct the panel or panels of his choice to nominate persons to fill the vacancy. If the Governor determines, in his discretion, that two or more Special Superior Court Judges may be chosen from a single judicial division, the Governor may direct that no less than three (3) nor more than five (5) persons multiplied by the number of vacancies who reside in a panel's division be nominated by the panel to fill the vacancies.

(c) All other rules which are applicable to regular Superior Court Judges are hereby incorporated for the filling of vacancies for Special Superior Court Judges.

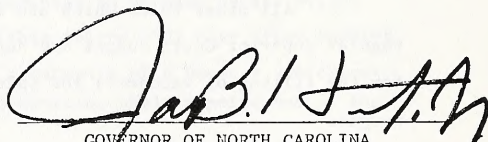
Section 8. It is understood that this is a voluntary merit selection process for Superior Court Judges, and should the Governor later determine that any panel or panels of the Judicial Nominating Committee has not given due consideration to all qualified applicants for the office of Superior Court Judge, in accordance with the procedures set forth by this Executive Order, or that there is any question as to the legality or constitutionality of this Executive Order, then to that extent, nothing contained herein is intended to in any way impair or delegate the constitutional and statutory powers, duties or prerogatives of the Governor in the filling of vacancies in judicial offices by appointment. Also, to that extent, the right to reject any or all of the nominees so selected and recommended is specifically reserved unto the Governor.

Section 9. Each member of the Committee is encouraged to seek out competent and qualified candidates for Superior Court Judge. Such a solicitation will not be deemed an endorsement of a candidate. Furthermore, bar groups, civic associations and citizen groups are encouraged to seek out and recommend competent and qualified candidates for Superior Court Judge.

Section 10. This Order shall become effective immediately.

Done in Raleigh, North Carolina, this the 14th day of April, 1982.




GOVERNOR OF NORTH CAROLINA

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 80

GOVERNOR'S ADVISORY COMMISSION ON MILITARY AFFAIRS

WHEREAS, North Carolina serves a vital role in maintaining a strong national defense; and

WHEREAS, military installations in the State are among the nation's largest and most essential within the Department of Defense; and

WHEREAS, active and retired military personnel and their families are an integral part of North Carolina communities; and

WHEREAS, the citizens of North Carolina are proud of the important presence of these vital defense installations and military communities;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby establish the Governor's Advisory Commission on Military Affairs. The Commission shall be comprised of at least twenty-five (25) members appointed by the Governor to serve for a term of two (2) years. Membership shall consist of active and retired military personnel, as well as local citizens who have an interest in or relationship to the military community. The Governor shall designate one of the members as chairman.

Section 2. The Commission shall meet regularly at the call of the chairman and may hold special meetings at any time at the will of the chairman or the Governor. Support staff for the Commission shall come from the Department of Crime Control and Public Safety.

Section 3. The Commission shall have the following duties:

(a) Provide a forum for the discussing issues concerning major military installations in the State, active and retired military personnel and their families.

(b) Formulate goals and objectives which enhance cooperation and understanding between the military components, the communities, State and local governments, and the general public.

(c) Collect and study information related to supporting and strengthening the military presence within the State.

(d) Review proposed military affairs legislation.

(e) Advise the Governor on measures and activities which would support and enhance defense installations and military families within the State.

Section 4. This Order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the thirtieth day of April, 1982.



A handwritten signature in dark ink, reading "James B. Hunt, Jr.", written over a horizontal line.

James B. Hunt, Jr.
Governor of North Carolina

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 81

GOVERNOR'S TASK FORCE ON

FINANCING PUBLIC SCHOOL FACILITIES

WHEREAS, there is an urgent need for a substantial capital outlay to fund the construction and maintenance of public school facilities throughout the State of North Carolina; and,

WHEREAS, there is a need to examine the use of bonds and other alternatives to financing the construction and maintenance needs of the public school facilities; and,

WHEREAS, information for addressing the question of financing construction and maintenance of public school facilities should be available to the 1983 Session of the North Carolina General Assembly:

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. I hereby establish the Governor's Task Force on Financing Public School Facilities. The Task Force shall be composed of twenty-one members appointed by the Governor to serve at the pleasure of the Governor. Four of the appointees shall be members of the North Carolina Senate, four shall be members of the North Carolina House of Representatives, eight shall be persons experienced in

business and financial affairs, two shall be county commissioners, and three shall be members of local school boards. The Governor shall designate one of the members as chairman.

Section 2. The Task Force shall meet regularly at the call of the chairman and may hold special meetings at any time at the call of the chairman or the Governor.

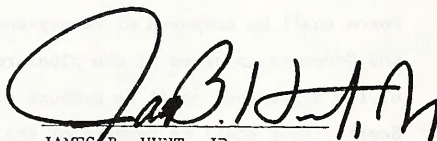
Section 3. Members of the Task Force shall be reimbursed for such necessary travel and subsistence expenses as are authorized by N.C.G.S. 138-5. Funds for reimbursement of such expenses shall be made available by the North Carolina State Board of Education..

Section 4. The Task Force is directed to study the alternatives of financing the construction and maintenance of public school facilities and to make a report to the Governor by December 1, 1982.

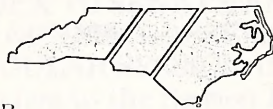
Section 5. This order shall be effective immediately.

Done in the Capital City of Raleigh, North Carolina, this the third day of June, 1982.




JAMES B. HUNT, JR.
GOVERNOR

State of North Carolina



JAMES B. HUNT, JR.
GOVERNOR

EXECUTIVE ORDER 82

WHEREAS, the North Carolina Public Transportation Advisory Council was originally established on December 6, 1978 by Executive Order 29, and

WHEREAS, the Council has been actively involved in working with groups all across North Carolina on Transportation interests; and

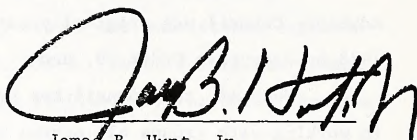
WHEREAS, it would be advantageous to the Council to have two at large members who can represent interests of the entire State in addition to the members representing each of the multi-county transportation regions,

NOW THEREFORE, IT IS HEREBY ORDERED that Executive Order 29 be amended by rewriting Section 1 to read as follows:

Section 1. There is hereby created the North Carolina Public Transportation Advisory Council. The Advisory Council will be composed of 21 members: one member from each of the seventeen multi-county transportation regions; two members representing the public at large; the Secretary of the Department of Human Resources; and the Secretary of the Department of Transportation. The Governor shall appoint the 19 lay members to serve at the will of the Governor and who shall represent a cross section of transportation interests. The Secretary of Transportation shall chair the Advisory Council.

Section 2. This order shall become effective immediately.

Done is the Capital City of Raleigh, North Carolina,
this the eleventh day of June, 1982.


James B. Hunt, Jr.
Governor



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NUMERICAL INDEX TO SENATE AND HOUSE BILLS 1981 GENERAL ASSEMBLY REGULAR SESSION 1982

Ratified Number refers to the Session Law Chapter number except when preceded by an R, in which case it refers to the Resolution number.

SENATE BILLS

<i>S.B.</i>	<i>Ratified Number</i>	<i>S.B.</i>	<i>Ratified Number</i>	<i>S.B.</i>	<i>Ratified Number</i>
131	1184	801	1318	836	R85
136	1308	805	1156	837	R86
201	1309	806	1151	838	1268
251	1310	807	1319	839	1328
299	1311	809	1152	840	1337
338	1312	811	1179	842	R87
376	1313	812	1320	844	1329
452	1185	813	R84	845	1269
555	1314	814	1195	849	R89
572	1241	815	1198	851	1330
633	1336	816	1199	852	1202
700	1392	817	1200	854	R90
706	1242	818	1157	855	1270
748	1266	820	1321	857	1331
751	1243	822	1182	859	1271
765	R105	823	1322	861	1272
768	1315	824	1323	862	1332
792	1180	825	1324	863	R96
793	1316	826	1325	864	1333
794	1149	830	1326	865	1334
796	R82	831	1158	866	1335
797	1267	832	1201	871	1338
798	1150	833	1327	872	R110
799	1181	834	1183		
800	1317	835	1196		

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HOUSE BILLS

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61	1282	1326	1276	1471	1254
67	1245	1340	1284	1473	1227
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222	1382	1388	1177	1481	1230
274	1186	1430	1352	1482	1231
314	1287	1431	1217	1486	1191
360	1216	1432	1218	1487	1248
426	1400	1433	1219	1488	1249
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630	1162	1438	1223	1494	1138
654	1343	1439	1205	1495	1139
692	1187	1440	1206	1496	1140
713	1203	1441	1207	1497	1292
792	1344	1442	1208	1498	1155
940	1345	1443	1209	1499	1165
964	1274	1444	1210	1500	1358
1034	1159	1445	1211	1501	1141
1050	1188	1447	1178	1502	R93
1055	1290	1448	1164	1503	1283
1074	1204	1451	1132	1505	1232
1119	1246	1453	1224	1506	1233
1122	1175	1454	1353	1507	1359
1137	1395	1455	1225	1508	1234
1148	1346	1456	1226	1510	1142
1171	1347	1457	1253	1511	1143
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1208	1275	1459	R91	1513	1144
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1317	1131	1468	1356	1521	R98
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1524	1259	1581	1260	1640	1383
1526	1146	1582	1251	1641	1304
1527	1361	1583	1391	1642	1399
1528	1362	1584	1386	1643	R104
1529	1278	1586	1193	1644	1305
1532	1289	1587	1279	1645	1239
1536	1148	1589	1194	1646	R107
1537	1192	1590	1370	1647	1286
1540	1250	1591	R102	1648	R103
1542	1288	1592	1371	1649	1294
1544	1363	1594	1197	1650	1295
1545	1293	1599	1372	1651	1296
1546	1214	1600	1373	1652	1388
1547	1364	1601	R100	1653	1297
1548	1365	1602	1374	1654	1298
1549	1166	1604	1303	1655	1265
1550	1167	1606	R101	1656	1306
1552	1160	1607	1375	1657	1240
1553	1168	1609	1285	1659	1307
1556	R83	1610	1376	1660	1389
1560	1366	1611	1261	1661	1299
1563	1367	1616	1377	1664	R109
1564	1235	1619	1262	1665	1390
1566	1368	1621	1378	1666	1300
1567	1169	1622	1236	1667	1301
1568	1170	1623	1237	1668	1302
1570	1393	1626	R106	1669	1398
1572	R99	1627	1379	1670	1280
1574	1385	1628	1263	1671	1281
1575	1171	1629	1264	1672	1394
1576	1172	1630	1380	1673	R108
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